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Cardiff  
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## AGENDA

|                                    |  |
|------------------------------------|--|
| <b>Pwyllgor</b>                    | PWYLLGOR CYNLLUNIO   |
| <b>Dyddiad ac amser y cyfarfod</b> | DYDD MERCHER, 27 IONAWR 2021, 10.30 AM   |
| <b>Lleoliad</b>                    | YSTAFELL BWYLLGOR 4 - NEUADD Y SIR   |
| <b>Aelodaeth</b>                   | Cynghorydd K Jones (Cadeirydd)<br>Cynghorwyr Stubbs, Ahmed, Asghar Ali, Gordon, Hudson, Jacobsen, Jones-Pritchard, Keith Parry, Sattar a/ac Wong |

### 1 Ymddiheuriadau am Absenoldeb

### 2 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

### 3 Cofnodion

Cymeradwyo cofnodion y cyfarfod a gynhaliwyd ar 16 Rhagfyr 2020 fel rhai cywir.

### 4 Deisebau

Mae deisebau wedi dod i law mewn cysylltiad â'r ceisiadau canlynol yn unol â Rheol 14.2 y Weithdrefn Cyfarfodydd Pwyllgor. Mae'r deisebwyr wedi cael eu cynghori bod ganddynt hawl i siarad ac mae'r ymgeiswyr/asiantau wedi cael eu cynghori bod ganddynt hawl i ateb:

20/01279/MJR, TIR YN FFORDD ROVER

20/00153/MJR, 17-41 CLEARWATER WAY, CYNCOED

20/01629/MJR, THE PADDLE STEAMER, SGWÂR LOUDOUN, BUTETOWN,

## **5 Ceisiadau Rheoli Datblygu**

### **Sesiwn y Bore 10:30AM**

- a 20/02632/MJR, TIR I'R GOGLEDD-ORLLEWIN O YSBYTY'R EGLWYS NEWYDD, HEOL Y PARC, YR EGLWYS NEWYDD
- b 20/01279/MJR, TIR YN FFORDD ROVER
- c 20/00153/MJR, 17-41 CLEARWATER WAY, CYNCOED

### **Sesiwn y Prynawn - 2:00PM**

- d 20/01629/MJR, THE PADDLE STEAMER, SGWÂR LOUDOUN, BUTETOWN
  - e 20/01459/MNR, PARC CAEDELYN, CAEDELYN ROAD, YR EGLWYS NEWYDD
  - f 19/03148/MNR, TRENEWYDD, HEOL Y TYLLGOED, LLANDAF
  - g 20/01785/MNR, 184 BWLCH ROAD, Y TYLLGOED
  - h 20/02241/DCH, 410 CYNCOED ROAD, CYNCOED
  - i 20/02372/DCH, 64 HEOL Y COLEG, YSTUM TAF
- 6 Adran 53, Gorchymyn Addasu (dan Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981) i gofnodi Llwybr Cyhoeddus ar hyd Hen Reilffordd yr Eglwys Newydd**
- 7 Ceisiadau wedi eu penderfynu gan Bwerau Dirprwyedig - Rhagfyr 2020**
- 8 Eitemau Brys (os oes rhai)**
- 9 Dyddiad y cyfarfod nesaf – 17 Chwefror 2021**

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Iau, 21 Ionawr 2021

Cyswllt: Kate Rees, 02920 872427, [krees@caerdydd.gov.uk](mailto:krees@caerdydd.gov.uk)

## **GWE-DARLLEDU**

Caiff y cyfarfod hwn ei ffilmio i'w ddarlluedu'n fyw a/neu yn olynol trwy wefan y Cyngor. Caiff yr holl gyfarfod ei ffilmio, heblaw am eitemau eithriedig neu gyfrinachol, a bydd y ffilm ar gael ar y wefan am 12 mis. Cedwir copi o'r recordiad yn unol â pholisi cadw data'r Cyngor.

Ar ddechrau'r cyfarfod, bydd y Cadeirydd yn cadarnhau a gaiff y cyfarfod cyfan neu ran ohono ei ffilmio. Fel rheol, ni chaiff ardaloedd y cyhoedd eu ffilmio. Fodd bynnag, wrth fynd i'r ystafell gyfarfod a defnyddio'r ardal gyhoeddus, mae aelodau'r cyhoedd yn cydsynio i gael eu ffilmio ac y defnyddir y lluniau a recordiadau sain hynny o bosibl at ddibenion gwe-ddarlluedu a/neu hyfforddi.

Os oes gennych gwestiynau ynghylch gwe-ddarlluedu cyfarfodydd, cysylltwch â'r Gwasanaethau Pwyllgorau ac Aelodau ar 02920 872020 neu e-bost [Gwasanethau Democrataidd](#)

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

PLANNING COMMITTEE

16 DECEMBER 2020

Present: Councillor K Jones(Chairperson)  
Councillors Ahmed, Driscoll, Gordon, Hudson, Jacobsen, Jones-Pritchard, Keith Parry, Sattar, Stubbs and Wong

1 : APOLOGIES FOR ABSENCE

No apologies were received for this meeting.

2 : APPOINTMENT OF CHAIRPERSON AND DEPUTY CHAIRPERSON

To note that at the Annual Council Meeting on 26 November 2020, appointed Councillor Keith Jones as Chairperson of this Committee and Councillor Edward Stubbs as the Deputy Chairperson of this Committee.

3 : APPOINTMENT OF COMMITTEE AND TERMS OF REFERENCE

The Annual meeting on 26 November 2020 appointed this Committee with the following Membership and Terms of Reference. Membership: Councillors Ahmed, Asghar Ali, Driscoll, Gordon, Hudson, Jacobson, Keith Jones, Jones-Pritchard, Keith Parry, Sattar and Stubbs Terms of Reference: Those functions listed in Section A of Schedule 1 of the Local Authorities Executive Arrangements (Function and Responsibilities) (Wales) Regulations 2001 and any amendments thereto and any matters ancillary thereto as defined in Regulation 4 (2) to (6) of the Regulations. Those function listed in paragraphs 1- 12 of Section 1 of Schedule 1 of the Local Authorities Executive Arrangements (Function and Responsibilities) (Wales) Regulations 2001 and any amendments thereto and any matters ancillary thereto as defined in Regulation 4 (2) to (6) of the Regulations

4 : MINUTES

The minutes of the 18 November 2020 were approved and signed as a correct record.

5 : DECLARATIONS OF INTEREST

The following declarations of interest were received in accordance with the Members Code of Conduct:

| COUNCILLOR       | ITEM                        | REASON   |
|------------------|-----------------------------|--|
| Cllr Iona Gordon | 20/01481/MJR & 20/01515/MJR | Prejudicial Interest – previously expressed a view |
| Cllr Keith Parry | 20/01481/MJR & 20/01515/MJR | Prejudicial Interest – previously expressed a view |

## 6 : PETITIONS

Application no, 19/02506/MJR, LAND OFF HARBOUR DRIVE, CARDIFF BAY

Application no, 19/02508/MNR, LOCKYS COTTAGE, HARBOUR DRIVE, CARDIFF BAY

Application no, 20/01481/MJR, LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD, WHITCHURCH,

Application no, 20/01515/MJR, LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD, WHITCHURCH

In relation to all the petitions as listed above the petitioners spoke and the agents responded.

## 7 : DEVELOPMENT CONTROL APPLICATIONS

The Committee considered the schedule of development control applications submitted in accordance with the Town and Country Planning Act 1990:

RESOLVED: Pursuant to this Committee's delegated powers the following Development Control applications be determined in accordance with the recommendation set out in the reports of the Director of Planning, Transport and Environment, subject to any further amendments as detailed below and notification be given of the decisions in accordance with Section 70 of the Town and Country Planning Act 1980 or Section 74 of the Planning (Listed Building & Conservation) Act 1980:

## **APPLICATIONS GRANTED**

19/02506/MJR – BUTETOWN

LAND OFF HARBOUR DRIVE, CARDIFF BAY

The construction of a Military Medicine Museum on land forming part of Britannia Park, Harbour Drive. The building would compose of two distinct elements, a full glazed flat roofed box to its south-western end and partially fretted corten skin finished building with sawtooth roof design along the rest of its length. The development includes for the deconstruction and resiting of Lock Keepers Cottage.

Approved subject to revised wording of Condition 21 to read:

### **REBUILDING OF THE LOCK KEEPERS COTTAGE**

21. The Lock Keeper's Cottage shall be rebuilt exactly as existing before deconstruction in accordance with the methodology approved under condition 20. Unless otherwise agreed in writing with the LPA, the re-construction shall commence within three months of the deconstruction.

19/02508/MNR – BUTETOWN

LOCKYS COTTAGE, HARBOUR DRIVE, CARDIFF BAY

Deconstruction and relocation of the lock keepers cottage to an alternative location within Britannia Park.

Subject to CADW.

Approved subject to amended Condition 4 to read:

#### REBUILDING OF THE LOCK KEEPERS COTTAGE

4. Notwithstanding submitted drawings and intentions indicated in the submitted Heritage Impact Assessment, the Lock Keeper's Cottage shall be rebuilt exactly as existing before de-construction in accordance with the methodology approved under condition 3 and in the location indicated on approved drawings. Unless otherwise agreed in writing with the LPA, the re-construction shall commence within three months of the deconstruction.

20/01481/MJR – WHITCHURCH/TONGWYNLAIS

LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD.

Partial discharge of Condition 16 (Green Infrastructure Management Strategy) of 17/01735/MJR,

20/01515/MJR – WHITCHURCH/TONGWYNLAIS

LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL, PARK ROAD.

Partial discharge of Conditions 17 (Construction Environment Management Plan), discharge of Conditions 10 (Highway and pedestrian works details), 13 (bridge finishes) and 14 (soil resource survey (access and enabling works) of 17/01735/MJR

### **APPLICATIONS GRANTED ON EXECUTION OF A PLANNING OBLIGATION PURSUANT TO SECTION 106, TOWN & COUNTRY PLANNING ACT 1991:**

20/01346/MJR – CATHAYS

121-123 QUEEN STREET, CITY CENTRE

Change of use of existing upper floors from D1 and B1 offices to residential use.

8 : APPLICATIONS DECIDED BY DELEGATED POWERS

Noted

9 : URGENT ITEMS (IF ANY)

None

10 : DATE OF THE NEXT MEETING - 27 JANUARY 2021



**LOCAL MEMBER OBJECTION**

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/02632/MJR** APPLICATION DATE: 18/12/2020ED: **WHITCHURCH/TONGWYNLAIS**

APP: TYPE: Non Material Amendment

APPLICANT: Velindre University NHS Trust

LOCATION: LAND TO THE NORTH WEST OF WHITCHURCH HOSPITAL,  
PARK ROAD, WHITCHURCH, CARDIFFPROPOSAL: VARIATION OF PART C OF CONDITION 1 TO EXTEND THE  
TIME LIMIT FOR THE SUBMISSION OF RESERVED  
MATTERS BY 18 MONTHS TO 27/09/22 AND VARIATION OF  
PART D OF CONDITION 1 TO BE: THE DEVELOPMENT  
HEREBY PERMITTED SHALL BE BEGUN BEFORE THE  
EXPIRATION OF 5 YEARS FROM THE DATE OF THIS  
PERMISSION - PREVIOUSLY APPROVED UNDER  
17/01735/MJR

**RECOMMENDATION** : CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby APPROVES the non-material amendment to the original consent reference number 17/01725/MJR provided condition 1 is amended as follows:

1.
  - A. Subject to condition 2 below approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development, bar the approved access roads and their enabling works, is commenced.
  - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
  - C. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 27/09/22
  - D. The development hereby permitted shall be begun by 27/03/2023

Reasons: A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.2 This non-material application seeks to vary condition 1 of planning approval reference 17/01735/MJR to extend the period for the submission of reserved matters by up to 18 months, whilst the 5 year date by which development must commence remains as outlined in approval reference 17/01735/MJR (27/3/2023). The reason provided for this delay is due to COVID restrictions

## 2. **DESCRIPTION OF SITE**

- 2.1 The planning application site is 14.5 hectares in area and is an undeveloped land that is characterised by rough grassland and scrub, enclosed by dense, broadleaved woodland and shrubs. The boundary of the application site includes the main site for development of the hospital facility, and those areas required to facilitate access from the Coryton Gyrotory and the emergency access route from the Hollybush Estate. The land is gently undulating former pastoral farmland (The highest point of the main site area is the north-west boundary which ranges between 51m AOD (Above Ordnance Datum) and 57m AOD with the site sloping down to the south-east boundary where the ground level is between 41m AOD and 43m AOD). The site is subdivided into a network of fields of varying scales with some overgrown field hedgerows remaining in private ownership. The site is no longer grazed by horses, but is crossed by informal and formal footpaths. The site has a non-statutory designation as a Site of Importance for Nature Conservation (SINC) for its neutral grassland.

### 2.2 **The Site Boundaries**

The vegetation is particularly dense along the north-east and south-west boundaries where it continues beyond the site to form woodland. The woodland to the north includes the former railway cutting, while the woodland to the south includes the Glamorganshire Canal/ and Longwood SSSI. The vegetation along the north-west boundary separates the site from a further field that is also framed by vegetation.

The vegetation along the south-east boundary separates the site from the Whitchurch Hospital grounds and is dissected by an adopted highway. This route contains dilapidated fencing, and is overgrown with surrounding vegetation.

### 2.3 **Access to the Site**

The site is not currently accessible by vehicle from the local highway network, but is accessible via the footpath network surrounding the site. The site is accessible from the north-west and south-west boundaries by a Public Right of Way (PRoW) (reference: Whitchurch 12) which follows approximately half way along the south-west boundary before becoming an informal route. The PRoW is connected to a series of other PRoWs which provide access north to Longwood Drive and south into the Long Wood Nature Reserve (reference: Whitchurch 13-16). The site is also accessible from the south-west and

south-east boundaries by a PRoW (reference: Whitchurch 11). The PRoW does not enter the site, but is connected to the informal route connected to PRoW Whitchurch 12. The PRoW connects to Forest Farm Road located south of the site.

An adopted highway (overgrown) provides access into the site at the north-east and south-east boundaries. The route is accessible from Park Road and approaches the site adjacent to the Hollybush Estate, where it crosses the former railway cutting. The route then dips gently and follows the entirety of the site's south-eastern boundary and connects to PRoW Whitchurch 11. A series of informal access routes cross the site from these main access points.

## 2.4 Cultural Heritage

The site is not part of a conservation area, world heritage site, historic battlefield site or archaeological priority area. There are no scheduled monuments, no grade I, grade II\* or grade II Listed Buildings nor any Locally Listed buildings on the site. There is low potential to encounter buried remains on the site.

## 2.5 Surrounding Area:

### Whitchurch Hospital Campus and Historic Park and Garden

The Whitchurch Hospital Park and Garden is located to the southeast of the development site. It is grade II Listed on the Register of Landscape Parks and Gardens of Special Historic Interest in Wales.

The Historic Park and Garden includes the core of the Whitchurch Hospital grounds and includes eight Grade II Listed Buildings. The closest Listed Building to the site is the Grade II Listed Whitchurch Hospital chapel (180m from the site). A large car park is located to the front of the chapel.

### Residential Developments

Clos Coed Hir is located to the east and sited circa 50 metres from the main application site but will abut the proposed new access route from Coryton railway station. The site is also adjacent to the Whitchurch recreational fields. It is a private residential estate that consists of detached properties (two storey) and a terrace of town houses (three storey). It is accessed from Park Road.

The Hollybush Estate is a residential development located to the north-east of the application site. On the eastern side of the railway cutting

The residential estate includes four ten-storey tower blocks that are prominent features on the local townscape and landscape, and four other smaller residential blocks (two-four storeys). One of the smaller blocks includes commercial units. Access to the estate is provided from Pendwyallt Road.

Coryton Primary School is located north of the Hollybush Estate and sited circa 42 metres at its nearest point from the proposed emergency access

road.

Whitworth Square, a more recent residential development is located to the north of Coryton Primary School and to the north east of Coryton House and sited approximately 100m from the application boundary at its closest point

#### Coryton House Historic Park and Gardens

Coryton House (converted into a children's school) is located north of the site and will abut the proposed main access road. The House is a large Edwardian town house. Extensive gardens surrounded the house and include an orchard, walled garden, glasshouse and pond. Most of the formal and informal gardens remain undeveloped from their original layout as commissioned by Cory. The gardens consist mainly of woodland, made of tall, dense trees and smaller areas of grass lawn. The house is Grade II Listed and gardens are Grade II Listed on the register of Landscape Parks and Gardens of Special Historic Interest in Wales.

#### Asda supermarket

An Asda retail store is located to the north of the application site. The store is accessible from Longwood Drive and is served by a large car park (the main access to the proposal will be from this site). A McDonald's outlet is located in the west of the Asda site and is accessible from the same access that serves the superstore. The Village Hotel is located to the east of the Asda site.

#### Former Railway Cutting

A former railway cutting is located adjacent to the development's north-east boundary. The wooded sides of the former railway cutting fall within a Local Nature Reserve designation. The cutting is very steep and wooded. Public access is available along the floor of the cutting. Access into the cutting is provided from the south via the adopted highway / footpath that connects to Pendwyallt Road or from the north via a steep flight of steps that connect to the masonry bridge near Asda.

## 2.6 Other Statutory and Local Ecological Designations adjoining the application site:

#### Glamorgan Canal / Long Wood SSSI

The SSSI is located south-west and north-west of the site and is legally protected under the Wildlife and Countryside Act 1981 (as amended). The SSSI falls steeply away from the application site. The SSSI is an artificial wetland ecosystem adjoining a river terrace woodland of considerable antiquity. Beech is a major constituent of the woodland. A range of habitats from open-water, Alder Carr, scrub and deciduous woodland are included within the designation. The Glamorganshire Canal is located within the designation, the eutrophic water from which supports a characteristic flora and fauna that includes a range of macrophytes and a number of macro-invertebrates that are locally important.

#### Glamorgan Canal Local Nature Reserve (LNR)

The LNR is managed by Cardiff Council and includes the SSSI and land

south-west of the SSSI, the former railway cutting north of the site, and the remaining area of open meadowland to the north-west of the site. The LNR was formed in 1967.

#### Coryton Heronry Wood Site of Importance for Nature Conservation

The Coryton Heronry Wood Site of Importance for Nature Conservation is sited in close proximity to the existing ASDA car park and is located some 100 metres north of the main site area, but adjacent to a section of the proposed northern access. The site is designated for birds and includes mixed woodland containing conifers and ornamental trees.

### 3. **SITE HISTORY**

#### 3.1 Within the last 5 years:

17/01735/MJR: Proposed Velindre Cancer Centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from Coryton Interchange), emergency access (via Hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and Maggie's Centre. Granted 27/03/2018.

20/01108: Proposed engineering works to Longwood Drive and the Asda access highway and car park arrangements, enabling access to the proposed Velindre cancer centre. Granted

20/01110/MJR- Temporary construction access route for the construction of the approved Velindre cancer centre, or a period of no more than 48 months following the completion of the related highway improvement works, or until 30/11/24, whichever is first- Resolved to grant, awaiting WG decision to call in the application;

20/01481/MJR: Discharge of condition 16 (green infrastructure management strategy) of 17/01735/MJR. Approved

20/01515/MJR: Discharge of conditions 17 (construction environment management plan), 10 (highway and pedestrian works details), 13 (bridge finishes), and 14 (soil resource survey (access and enabling works)) of 17/01735/MJR. Approved

#### 3.2 Current/undetermined applications on adjoining land:

20/00357/MJR: Variation of conditions 1c and 1d of planning permission

### 4. **POLICY FRAMEWORK**

#### 4.1 National Planning Policy

- Planning Policy Wales (10<sup>th</sup> Ed, 2018)

## Planning Policy Wales Technical Advice Notes:

- Technical advice note (TAN) 5: Nature conservation and planning (September 2009);
- Technical advice note (TAN) 10: Tree preservation orders (October 1997);
- Technical advice note (TAN) 11: Noise (October 1997);
- Technical advice note (TAN) 12: Design (March 2016);
- Technical advice note (TAN) 18: Transport (March 2007);
- Technical advice note (TAN) 24: The Historic Environment (May 2017);

Chief Planning Officer letter dated 23/10/19: securing bio-diversity enhancement

Building Better Places: The Planning System Delivering Resilient and Brighter Futures: Placemaking and Covid 19 recovery (July 2020)

Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission July 2014

## 4.2 Cardiff Local Development Plan 2006-2026:

### KEY POLICIES

KP5 (Good Quality and Sustainable Design);

KP6 (New Infrastructure);

KP15 (Climate Change);

KP16 (Green Infrastructure);

KP17 (Built Heritage).

### DETAILED POLICIES

#### ENVIRONMENT

EN6 (Ecological Networks and Features of Importance for Biodiversity);

EN7 (Priority Habitats and Species);

EN8 (Trees, Woodlands and Hedgerows);

EN9 (Conservation of the Historic Environment);

EN10 (Water Sensitive Design);

EN11 (Protection of Water Resources);

EN13 (Air, Noise, Light Pollution and Land Contamination).

#### TRANSPORT

T1 (Walking and Cycling);

T5 (Managing Transport Impacts);

T6 (Impact on Transport Networks and Services)

#### COMMUNITY

C3 (Community Safety/Creating Safe Environments);

C6 (Health).

## WASTE

W2 (Provision for Waste Management Facilities in Development).

- Supplementary Planning Guidance:

Green Infrastructure (including Technical Guidance Notes relating to: Ecology and Biodiversity; Trees and Development; Public Rights of Way and Development; River Corridors; Protection and Provision of Open Space in New Developments; Soils and Development) (November 2017);

Managing Transportation Impacts (Incorporating Parking Standards) (July 2018).

Planning for Health and Wellbeing (November 2017).

### 5. **INTERNAL CONSULTEE RESPONSES**

5.1 N/A

### 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 N/A

### 7. **REPRESENTATIONS**

7.1 Interested properties have been notified. 437 representations have been received, a number of which are duplicates. A summary of those representations (excluding repeated submission) are:

7.2 320 letters of support have been received. It is noted that the majority of these in support live outside the Cardiff area but are users/supporters of the Velindre centre. The reasons for supporting the new centre are summarised below:

- The current centre is not fit for purpose and this is recognised within the Nuffield report;
- The centre cannot cope with the expected number of patients
- The use of NHS land for a hospital is supported;
- The site is located in an accessible location for the area it serves;
- There will still be land available for the public to use.

7.3 101 letters of objection have been received. A summary of these objections are outlined below:

- The application does not provide adequate reasoning for requesting the extension, only vague iterations regarding Covid. In reality, the Nuffield Trusts advice requires significant changes to the Cancer Centre plans, and therefore the material conditions applied in 2018 are now unworkable, meaning the applicants are seeking more time to enact these

changes. As such, the passage of time, and the changes required to make the centre workable make this application a material application;

- The community as a third party is disadvantaged by the application and decision, as we will be required to spend more time uncertain of when building works will begin, or even what will be built on the site;
- There has been no community consultation regarding this proposed change. The application was also submitted over the Christmas period and the beginning of a new lockdown. Both events have prevented adequate opportunity for the public to scrutinise the application. Therefore, the consultation period should be extended;

This application does not consider the impact of the 'Building Better Places' nor Planning Policy 10, and as such does not reflect the required standards of the latest legislation.

- Contend the material issues of use, area, scale, location, or magnitude of impacts have changed as a result of the Nuffield Trusts Advice, and plans now require significant material change.
- It is an insidious strategy to propose this, among so many amendments to the original proposal, without any consultation with residents. It is also disingenuous to propose for the planning Committee to make decisions upon them as isolated amendments, when it is clearly inconclusive that the proposed development can actually transform future cancer services and merely provide more of the same, albeit in a different environment

7.4 Ward Councillors have been notified: Councillor Rees objects on the following grounds:

*Since the original proposal the situation has changed*

- The model of the proposed Cancer Centre has been questioned and feedback from an independent review by the Nuffield Trust outlined a number of areas of concern and deficiency
- Pushing ahead with this applications extension is against the advice received by an independent report and medical professionals

*The timeline extension reason is not adequate and appears disingenuous*

- I appreciate that COVID-19 has presented challenges but timeline extension requested to make these substantive changes is above and beyond this

*The effect of the building works related to this site on the community*

- The community have raised a number of objections to the effect that building works, including large vehicles on a main, but narrow, road will have on their quality of life

*Lack of engagement with the community*



- Although the applicants have previously engaged with the community on this application this has not been the case
- The application was also submitted over the Christmas period seriously reducing the communities ability to engage and inform residents of the plans

*Value to the local community*

- This land and that around it is very important to the local community, its history and well-being
- More development in this already busy, built up area with declining green spaces is not good for the resident nor the wider community

I appreciate that this application (and others connected to it) have brought a large amount of comment from residents and those beyond with an interest in the Cancer Centre.

Local people who love and understand this part of the city know its value to our community and care passionately about its future.

It is a terrible shame that VCC will not relook at the other sites suggested and continue to pursue this against the medical advice

7.5 In addition, Councillor Linda Morgan and Councillor Philips, object to this proposal on the following grounds:

Whilst this appears to be a technical matter relating to the applicant's ability to progress the project, principally due to Covid-19, we suggest that there is more that needs to be considered. Not least is that delays have been caused by the extended negotiations between the applicant and ASDA, a requirement to procure a review of the clinical model and that no business case for the project has yet been signed off.

We are already aware of the application to increase the access route time limits to four years which was successful at planning in November.

If this latest request is also granted it would mean that, the Planning Authority is potentially inviting a series of knock-on time extension applications; delayed reserve matters, will lead to delays to the construction, which would probably lead to a further request to extend the access road construction time period.

The authority would probably ordinarily be inclined to grant at that time, except that we know the issue of environmental protection is paramount. The decision meeting in November discussed the wildlife corridor and also dormice. If the access construction begins as planned, cutting the wildlife corridor as is approved planned, and then the project is delayed via this current application allowing time extension, it is inevitable that the wildlife corridor will be broken for longer than it should. This would be unacceptable.

Due to this we urge you to refuse this permission and direct the applicant to

get all its applications in line, at such time as they are in a position to progress and where all elements of the project are fully informed for planning to make robustly informed decisions across the whole project

7.6 Anna McMorrin, MP Cardiff North, no comments received;

7.7 Julie Morgan, MS Cardiff North, no comments received;

7.8 Neil McEvoy, MS South Wales Central- no comments received

## 8. **ANALYSIS**

8.1 The Material Planning factors for the committee to consider are:

### 8.2 **Can the application be considered a non-material amendment?**

Welsh Government have issued guidance: 'Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission July 2014'. Paragraph 24 of this guidance states:

*"There is no statutory definition of a 'non-material amendment'. This is because it depends on a number of factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and surrounding areas, which will vary from one application to another. What may be nonmaterial in one context may be material in another"*

Paragraph 26 of the above guidance also provides the following advice:

*"In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests".* These suggested tests are listed and considered below:

***(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?***

It is noted that the objectors have stated that given The Nuffield Trust Report the resultant scheme will be significantly different to that considered under the previous application. In response to this concern the outline permission provided maximum and minimum footprints and heights of the various buildings. Furthermore, the description of development was:

*" proposed velindre cancer centre including specialist cancer treatment centre, centre for learning, research and development, primary means of access (from coryton interchange), emergency access (via hollybush estate), temporary construction accesses, parking, energy centre, landscape works, pedestrian paths, and maggie's centre "*

The applicant in their supporting submission for this application do not indicate that the minimum requirements will not be met nor that the description of development would differ from the above. It is considered that this point is met

***(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?***

The approved hybrid application considered various material considerations, including visual and local amenity, resulting in appropriate conditions applied to that permission. This application does not seek to alter any of those conditions but merely alter the submission date for the submission of reserved matters. As all the subsequent conditions remain, it is considered that there will be no detrimental impact either visually or on local amenity arising from this application. It is considered that this point is met.

***(b) would the interests of any third party or body be disadvantaged in planning terms?***

It is noted that concern has been raised by objectors that they will be disadvantaged by the continual delay to this project and the time period to make representation. Whilst the period for submission of reserved matters will be extended, the time period for commencement of development remains as existing and once the reserved matters are submitted, interested parties will be given 21 days to comment upon the submission, as would be the case if the reserved matters were to be submitted within the currently approved timetable, therefore, it is considered that interested parties will not be disadvantaged and as such this point is met

or,

***(c) would the proposed change conflict with national or development plan policies?***

Objectors have raised this as a concern and raised particular policies that allowing this permission would conflict with, such as WG Building Better places post covid. However, there are two key points to consider, these being:

- a) the outline permission, does not expire until 27/3/2023 and this permission does not alter the back stop date, and
- b) the reserved matters will need to accord with pre-existing conditions.

Given the above, allowing this application would not conflict with policy.

**8.3 *Can a non-material amendment be made to conditions using this procedure?***

*The Welsh Government* guidance states, paragraph 2.24:

*“Section 96A of the TCPA 1990 enables new conditions to be imposed or existing conditions to be removed or altered providing the resultant effect is a non-material change.”*

The proposed change of condition 1 does not alter any considerations already assessed or prejudice any considerations that the reserved matters will need to address when the application is submitted. Crucially, the life of the existing outline permission will not be altered by this application and therefore the consideration already made remains valid.

#### **8.4 Who can make an application?**

Paragraph 2.9 of the WG guidance advises that an application can only be made by a person who owns or has a legal interest in the land to which the non-material amendment relates, or someone else acting on their behalf. These are:

- A freeholder.
- A holder of a lease with over two years remaining (whether as a head lessee, sub-lessee or tenant of an agricultural holding).
- A mortgagee.
- Someone with an estate contract (i.e. an option to acquire a legal interest in the land or a contract to purchase the land)

The land is currently owned by the Cardiff and Vale University Health Board, who have given permission to Velindre to apply on their behalf. Velindre are in the process of acquiring the land. It is considered that this application meets the requirements outlined above.

#### **8.5 Others matters not addressed above**

8.5.1 Concern has been raised that **insufficient time has been allowed for the interested parties to consider this application.** The Welsh Government Guidance states:

*“Where the local planning authority considers consultation is required, it is expected that the local planning authority will target specific third parties who may be affected by the amendment or may assist in determining if it is material. In consideration of who to consult on an amendment, the local planning authority may wish to consider those who were consulted on the original application. Notification of the application, via a site notice for example, is unlikely to be necessary.*

*If the local planning authority considers it necessary to seek the views of an interested party, anyone notified must be told that they have 14 days to make representations from the date of notification, after which their representations may not be taken into account.”*

The application has been publicised for 21 days which is above the minimum requirement.

**8.5.2 The submitting of this application during the latest lockdown is unfair on the community to engage with the process.**

The timing of the submission is a matter for the applicant. The Council has a duty to consider the application and determine within the prescribed timeframe (the guidance, paragraph 2.33, suggest that such applications should be determined within 28 days).

**8.5.3 The application does not consider the impact from surface water flooding.**

The existing conditions require all drainage details to be submitted and approved with the Local Planning Authority, including at construction stage. These conditions still apply. In addition, the proposal will now also be required to gain technical approval from the Council's SAB (Sustainable Drainage Approval Body) for the proposed method of dealing with surface water from the development as well as its future management.

8.5.4 There is a S106 legal agreement attached to the current approval, this non-material amendment does not effect that agreement as the LPA will not be issuing a new consent to application 17/01735MJR through this process.

8.5.5 Whilst the Nuffield report has considered the proposed cancer model and makes various recommendations, these are not material planning considerations i.e. the Local Planning Authority could not refuse planning permission based upon that report. The applicant, in this submission, has not suggested any new material information that would result in the authority arriving at a different view.

8.5.6 The proposal will deny local residents access to the 'meadow' which has helped their wellbeing and mental health. This matter was considered during the determination of the extant permission, 17/01735/MJR, the granting of this non-material application does not alter the previous assessment.

8.5.7 There is no legal requirement on the applicant to submit reasons why they are submitting the application but their reasoning is noted as are the objectors' responses.

8.5.8 The concerns from Councillor Philips and Morgan are noted and the potential knock on effect of the granting of this permission. However, the temporary construction traffic (reference 20/01110/MJR) has not been determined, as the Local Planning Authority are still awaiting correspondence from Welsh Government. In addition, each application is to be judged on its own merits and given that there is no indication that an extension of time will be submitted such assumptions are premature. If such applications were to be submitted they will be considered at the appropriate time and assessed in the appropriate manner.

**9. CONCLUSION**

Whilst the application has raised significant comments from interested parties, the matter for consideration, to extend the period for the submission of the reserved matters by an additional 18 months, can be considered a non-material amendment to the approved application reference 17/01735/MJR for the reasons outlined above.

## 10. **RECOMMENDATION**

That the non-material amended to amend Condition 1 of application reference 17/01735MJR is recommended for approval.

## 11. **LEGAL CONSIDERATIONS**

### ***Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered under approval 17/01735/MJR and the approval of this application does not alter the previous evaluation. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### ***Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. Having due regard to advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application.

It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

### ***Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh Language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the assessment of this application. It is considered that there would be no material effect upon the use of the Welsh Language in Cardiff as a result of the proposed decision.

### ***Wellbeing of Future Generations (Wales) Act 2015***

In reaching this recommendation officers have taken into account the requirements of Sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. Officers consider that this recommendation is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act. In this respect, it should be noted that the proposal retains accessible open space for the public, and the facility would create a 21st century cancer care treatment centre serving South East Wales.

### **Biodiversity and Resilience of Ecosystems Duty**

This recommendation does not alter the assessment made under planning approval 17/01735/MJR and therefore it is considered to discharge the Authority of its duties under Section 6 of the Environment (Wales) Act 2016. This duty is that we must seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions. In complying with this duty we will have to take account of the resilience of ecosystems, in particular the diversity between and within ecosystems; the connections between and within ecosystems; the scale of ecosystems; the condition of ecosystems and the adaptability of ecosystems.

### **Environmental Impact Assessment) (Wales) Regulations 2016**

As required by Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 this report and recommendation has taken the environmental information and its amendments into consideration that was submitted under planning approval reference 17/01735/MJR and does not alter the previous assessment.

### **Flood and Water Management Act 2010**

Section 12 (3) of the Flood and Water Management Act 2010 places a duty on Risk Management Authorities (e.g. a county council for the area) to have regard to the national and local strategies and guidance when exercising any other function in a manner which may affect a flood risk or coastal erosion risk. The relevant strategies and guidance have been taken into consideration in the assessment of this application.





## MP, AM & LOCAL MEMBER OBJECTIONS & PETITION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/01279/MJR** APPLICATION DATE: 07/07/2020

ED: **SPLOTT**

APP: TYPE: Renewal of previous permission

APPLICANT: Parc Calon Gwyrdd Limited

LOCATION: LAND AT ROVER WAY, PENGAM

PROPOSAL: RENEWAL OF 17/02130/MJR FOR THE REMOVAL OF FILL MATERIAL AND THE CONSTRUCTION OF A BIOMASS POWER PLANT (UP TO 9.5MW) AND A MAXIMUM OF 130,000 SQ. FT. OF INDUSTRIAL ACCOMMODATION (B8 USE CLASS), NEW ACCESS ROADS AND ASSOCIATED LANDSCAPING WORKS

**RECOMMENDATION 1** : That, having considered the environmental information, planning permission be **GRANTED** subject to the following conditions:

1. TIME LIMIT

A. Approval of the details of the layout, scale, and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the layout, scale, and appearance of the buildings and the landscaping of the site shall be submitted in writing to the local planning authority and shall be carried out as approved.

C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.

B. and C. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. PLANS AND DOCUMENTS

The development hereby approved shall be carried out in broad accordance with following approved plans:

(i) Location Plan (A(P)-01);

- (ii) Site Plan (A(P)-02);
- (iii) Site Existing (A(P)-03);
- (iv) Proposed Site Sections (A(P)-04);
- (v) Landscape Plan (A(P)-07);

The development hereby approved shall be carried out in accordance with following approved plan:

- (vi) Ghost Island Junction Arrangement With 16.5m Articulated Vehicle Swept Path Analysis (173097/SK/11 Revision A);

The development hereby approved shall be carried out in accordance with following approved document:

- (i) Parameter Schedule, Downs Merrifield Architects, 8 November 2017;

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

### 3. PHASING STRATEGY

No reserved matters shall be approved until a phasing strategy for the development of the site (including the removal of fill material) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing strategy.

Reason: To ensure an orderly form of development.

### 4. VIRGIN WOOD FUEL

The total tonnage of virgin wood treated at the plant hereby approved shall not exceed 75,000 dry tonnes per annum (Virgin wood includes trees, branches and bark derived from forestry work, woodland management, tree surgery and other similar operations including sawmills). No material other than virgin wood shall be processed at the Power Plant. Records of the amount of fuel processed shall be retained and made available to the Local Planning Authority on request.

Reason: The environmental impacts of the development have been assessed against this tonnage limit.

### 5. ENVIRONMENTAL PERMIT

No processing or removal of the 'overburden' material (that above the membrane underlying the original capping layer) shall take place until an appropriate assessment/waste classification of the material has been undertaken and an appropriate Environmental Permit has been granted by the relevant Permitting Authority. All subsequent works to process and remove this material shall be undertaken in accordance with the permit conditions, and all necessary additional sampling requirements of the material as required under the permit, for which evidence of their approval shall first be submitted to the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land,

controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

6. GROUND GAS PROTECTION

Following the completion of the reworking of materials in Zone 2, and prior to the construction of any building in Zone 2 (see 'Profile Makeup', Environmental Statement, Appendix 7.5), the developer shall submit to the Local Planning Authority a scheme to investigate and monitor the site for the presence of gases\* including a plan of the area to be monitored. The monitoring shall be carried out in accordance with the approved scheme prior to the construction of any building in Zone 2.

Following completion of the approved monitoring scheme details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required than no further actions will be required.

All gas protection measures required by the Local Planning Authority shall be installed and appropriately verified prior to the occupation of any part of the approved development and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes shall be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

7. CONTAMINATED LAND MEASURES – ASSESSMENT

No works below the membrane underlying the original capping layer or elsewhere below the overburden shall take place until an assessment of the nature and extent of contamination of the underlying material has been submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the

impacts from those contaminants on land and controlled waters. The study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health
  - groundwaters and surface waters
  - adjoining land
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - ecological systems
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation in writing.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## 8. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN

No works below the membrane underlying the original capping layer or elsewhere below the overburden shall take place until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

9. CONTAMINATION LAND MEASURES – REMEDIATION & VERIFICATION

The remediation scheme approved by Condition 8 (Remediation & Verification Plan) shall be carried out in accordance with the approved details prior to the occupation of any permanent structure of the approved development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation in writing

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

10. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority. All

associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has received the Local Planning Authority's written approval. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

11. IMPORTED SOIL

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

12. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

13. USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

14. INTEGRITY OF THE MDPE MEMBRANE

Upon completion of the investigation into material underlying the membrane below the original capping layer, a weekly scheme of repairs to restore/maintain the integrity of the membrane where necessary shall be submitted to and approved in writing by the Local Planning Authority. The repairs shall be carried out in accordance with the approved details within a timescale that shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

15. NO PILING

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written permission of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To safeguard against pollution of controlled waters from inappropriate methods of piling in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

16. DRAINAGE DETAILS

No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with

the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Local Development Plan Policies EN10 (Water Sensitive Design) and EN11 (Protection of Water Resources).

17. POTABLE WATER SCHEME

No building shall be constructed until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can satisfactorily accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply in accordance with Local Development Plan Policy EN10 (Water Sensitive Design).

18. AIR QUALITY ASSESSMENT

No reserved matters application shall be approved until an Air Quality Assessment (AQA) for the detailed design of the Biomass Plant has been submitted to and approved in writing by the Local Planning Authority. The AQA shall include an assessment of the impact of the plant emissions and any necessary mitigation measures to ensure the overall impacts of the plant are acceptable. The plant shall be constructed in accordance with the approved details and maintained thereafter.

Reason: To ensure air quality is maintained to satisfactory level in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

19. PLANT NOISE ASSESSMENT

Prior to beneficial occupation of the Biomass Power Plant a noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises (Rover Way Traveller Site) when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard). This assessment shall include an assessment of the impact of the noise from this proposed development after the removal of material from the site which may currently act as a noise barrier to the nearest noise sensitive receptors at the traveller site on Rover Way. The development shall be carried out in accordance with the approved assessment.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).



20. DELIVERY TIMES

Deliveries shall only take place at the site between the hours of 08:00 and 18:00 Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

21. ODOUR ASSESSMENT

No material shall be removed from the site until an odour assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall detail any potential adverse impact from odours during the removal of material and shall quantify the potential impact of generated odour upon business users and residents in the vicinity utilising methodology set out in the Institute of Air Quality Management's (IAQM) best practise guidance; "Guidance on the assessment of odour for planning." In the event that the assessment indicates a negative impact upon local residents or businesses then the assessment shall include appropriate mitigation measures that shall be implemented to the written satisfaction of the Local Planning Authority prior to the development commencing.

Reason: To safeguard the amenity of nearby and future residents in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

22. NO CHIPPING ON SITE

No wood chipping shall take place on the application site.

Reason: To safeguard the amenity of nearby and future residents in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

23. STORAGE OF MATERIALS

There shall be no open storage of materials of any kind outside any approved buildings on the site.

Reason: To safeguard the amenity of nearby and future residents in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

24. CHP ARRANGEMENTS

Prior to the construction of the Biomass Power Plant hereby approved, details of the creation of electricity and thermal energy, arrangements for establishing a connection to the local grid and the timing for such energy provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To maximise the potential for renewable energy in accordance with LDP Policy EN12 (Renewable Energy and Low Carbon Technologies).

25. FUEL ASH

Prior to the approval of any reserved matters application for the Biomass Power Plant, details of a scheme for the management and disposal of fuel ash arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The disposal of the fuel ash shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the disposal of waste from the site without harm to local amenity in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

26. CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Prior to the commencement of any removal of existing material, construction works or development on any phase, a Construction Environmental and Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction on that phase. The CEMP shall include:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials;
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) Details of highways/footway closures;
- (vi) Wheel washing facilities;
- (vii) Measures to monitor and control the emission of dust and dirt during material removal and construction;
- (viii) A scheme for the recycling/disposing of waste resulting from the removal of fill material and construction works;
- (ix) A plan showing the routes for vehicles undertaking material removal, construction and operational activity (i.e. delivery of Biomass Fuel) and the destination of any material removal. No routes through residential areas will be permitted;
- (x) A list of on-site contacts and their responsibilities;
- (xi) A Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or highways within that phase (or part thereof) or adjacent land, buildings, watercourses and highways during the construction period;

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority and shall be complied with in full throughout the construction period for that phase.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development

Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN5 (Designated Sites), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

27. SITE WASTE MANAGEMENT PLAN (SWMP)

Prior to the commencement of any removal of existing material, construction works or development on any phase, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Local Planning Authority. The SWMP shall include (where relevant):

- (i) Details for the transportation of all excavated material, including the type of vehicles to be used;
- (ii) Details of how contaminated material will be treated and disposed;
- (iii) Measures to reduce environmental impacts of construction waste. The development shall be carried out in accordance with the approved SWMP for that phase. Transfer/consignment notes of all material transported off-site shall be made available upon request to the Local Planning Authority.

Reason: To reduce environmental impacts of construction waste in accordance with Local Development Plan Policy W2 (Provision for Waste Management Facilities in Development).

28. PROVISION OF ROVER WAY JUNCTION

No development shall take place, including the removal of overburden down to the level of the existing membrane, until the Rover Way/Site Access priority junction hereby approved (Drawing No. 173097/SK/11 Revision A) has also been approved in writing by the overseeing highway authority and implemented to their written satisfaction.

Reason: To facilitate safe and efficient access to and egress from the proposed development in the interests of highway and pedestrian safety in accordance with Local Development Plan Policies T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

29. PEAK HOUR RESTRICTIONS

No vehicles shall access or egress the site during the morning and afternoon peak periods of 8am to 9am and 5pm to 6pm.

Reason: To avoid congestion on the local highway network in accordance with Local Development Plan Policy T6 (Impact on Transport Networks and Services).

30. AUTOMATED TRAFFIC COUNTERS

Prior to the commencement of development details of Automated Traffic Counters (ATCs) to be installed to both the Rover Way and Tide Fields Road access/egresses shall be submitted to and approved in writing by the Local Planning Authority. The approved ATCs shall be installed prior to the commencement of development and shall be retained thereafter. The ATCs shall record the number of vehicles

accessing and egressing the site. Records of the number, arrival time and departure time of each vehicle shall be submitted to the Local Planning Authority upon request.

Reason: To monitor the number of vehicles accessing and egressing the site in accordance with Local Development Plan Policy T6 (Impact on Transport Networks and Services).

31. OPERATIONAL TRAFFIC MANAGEMENT PLAN

Prior to the operation of the Biomass Plant and associated industrial floorspace, a detailed Operational Traffic Management Plan (OTMP) shall be submitted to and approved in writing by the Local Planning Authority. The OTMP shall include details of the times of operation of the Biomass Plant and commercial units, a schedule of operational related vehicle movements to and from the site as described in Chapter 10 of the Environmental Statement and Technical Appendix 10.1 (para 5.15), any restrictions of movements on the highway network, and the routing of operational related traffic on the local highway network to avoid sensitive receptors as indicated in the Outline Planning Application Environmental Statement and technical Appendix 10.1 (Transport Statement). The development shall operate in accordance with the approved OTMP.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development Plan Policies T6 (Impact on Transport Networks and Services) and EN13 (Air, Noise, Light Pollution and Land Contamination).

32. ECOLOGY DATA SHELF LIFE

If site clearance in respect of the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the most recent survey, the approved ecological measures secured through (other planning conditions) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of habitats and species and ii) identify any likely new ecological impacts that might arise from any changes. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised, and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works shall then be carried out in accordance with the new approved ecological measures and timetable.

Reason: To ensure that the assessment of the impacts of the development upon the species concerned, and any measures to mitigate those impacts, are informed by up-to-date information in accordance with Local Development Plan Policy EN7 (Priority Habitats and Species).

33. GREEN INFRASTRUCTURE STRATEGY (GIS)

A comprehensive Green Infrastructure Strategy (GIS) for the site detailing measures to avoid, mitigate and compensate for impacts upon ecological interests, together with measures to provide habitat enhancement shall be submitted to and approved in writing by the Local Planning Authority prior to the approval of any reserved matters applications. The GIS shall incorporate other elements of green infrastructure including trees, a soil resource survey and plan, landscaping and public rights of way, as well as ecology. It shall also encompass each phase of the development as well as the future management of habitats.

The ecological element of the GIS shall include, but not be limited to:

- (i) Timing of works to avoid visual and noise disturbance to overwintering and migratory wetland birds;
- (ii) Landscaping details, based upon pages 19 to 21 inclusive of the Ecology Survey Report 2017, to ensure that the current open mosaic habitats and species-rich grassland form the majority of the semi-natural habitat on site, such that they continue to support the present range of invertebrates and plants;
- (iii) Long-term management prescriptions for buddleia and other invasive scrub species to prevent species-rich grassland and open mosaic habitats from becoming overgrown;
- (iv) Timing of works to avoid destruction of bird nests where possible, and contingency in the event that nesting birds are detected if works need to take place during the nesting season;
- (v) Contingency in the event that reptiles are discovered during site clearance / construction;
- (vi) Eradication plan for Japanese Knotweed and other invasive non-native plant species;
- (vii) Details of green roofs and birds boxes, especially Swift nest boxes, on the new buildings;
- (viii) Details of other enhancement measures such as a pond, reptile habitat piles / hibernacula, bug hotels and bee banks etc. The development shall be carried out in accordance with the approved GIS.

Reason: To maintain and enhance green infrastructure provision on the site in accordance with Local Development Plan Policy EN5 (Designated Sites)

34. WALES COAST PATH

Details submitted in pursuance of Condition 1A shall include a scheme of improvements to the Wales Coast Path. The submitted details shall include, but not be limited to, resurfacing and clearer way marking. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: To maintain and enhance the Wales Coast Path in accordance with Local Development Plan Policy T8 (Strategic Recreational Routes).

35. SEVERN ESTUARY COASTAL BUND AND SCREEN

No development shall take place until details of measures to construct a coastal bund and screen to shield earth movements and construction activities from the Severn Estuary European Sites has been submitted to and approved in writing by the Local Planning Authority. The bund and screen shall be constructed in accordance with the approved details and shall be retained and maintained for the entire construction period. The approved details shall include:

- (i) full details of the design of the bund and screen;
- (ii) line-of sight sections to demonstrate that all aspects of the construction including the biomass power plant and industrial buildings, cranes, scaffolding, site operatives and piling rigs are not visible to wetland birds on the foreshore within 200 metres of the application site;
- (iii) a timetable for their provision;
- (iv) a written commitment to only construct the bund and screen between April to September;
- (v) outside of April to September, a written commitment to avoid any construction activity between two hours before high tide and two hours after;

Reason: To avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the SSSI in accordance with Local Development Plan Policy EN5 (Designated Sites)

36. EXTERNAL LIGHTING

Prior to their installation on site details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To safeguard nature conservation interests in accordance with Local Development Plan Policy EN5 (Designated Sites).

37. FINISHED FLOOR LEVELS

Details submitted in pursuance of condition 1A shall include the proposed floor levels of any building in relation to the existing ground level and the finished levels of the site. The development shall be constructed and completed in accordance with the approved details.

Reason: Confirmation of the ground and floor levels are required to ensure an orderly form of development in accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

**RECOMMENDATION 2:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on

Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 3:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management licence. The following must not be imported to a development site:
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed;and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 4:** Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

**RECOMMENDATION 5:** That the applicant be advised that the Wales Coast Path cannot be closed or worked on at any point without the necessary licence. If investigative works or new apparatus is to be installed on the right of way or temporary closures are required, an application must be made to Cardiff Council's PROW Team and Network Management for the appropriate licenses.

**RECOMMENDATION 6:** That the applicant be advised that the works to Rover Way approved under this permission will require the approval of the Highways Authority under a Section 278 Agreement. The applicant is also

advised that if they intend to adopt the internal access roads a Section 38 Agreement will be necessary.

**RECOMMENDATION 7:** The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team ([BilingualCardiff@cardiff.gov.uk](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Outline planning permission with all matters except access reserved was granted by Planning Committee on 14 June 2018 for the removal of fill material and the construction of a biomass power plant (up to 9.5MW) and a maximum of 130,000 sq ft of industrial accommodation (B8 Use Class), new access roads and associated landscaping works on land at Rover Way.
- 1.2 Condition 1 of the permission requires applications for approval of reserved matters to be made to the Local Planning Authority before the expiration of 3 years from the date of the permission i.e. before 14 June 2021, with development commencing within 5 years of the date of the outline planning permission or two years from the last reserved matters to be approved, whichever is the later.
- 1.3 This application seeks to vary condition 1 to extend the life of the outline planning permission by an additional two years from any new decision date to ensure that an appropriate Environmental Permit and approval of the Highways Authority under a Section 278 Agreement have been secured.
- 1.4 The original application was subject to Environmental Impact Assessment (EIA) and was accompanied by an Environmental Statement (ES). This environmental information was considered in the determination of this application. This current application is accompanied by a statement from the agent confirming that the original ES remains adequate to assess the significant effects of the development on the environment in accordance with Regulation 9(2) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.



- 1.5 The Local Planning Authority has screened this application and agrees with the agent's statement, noting that the development parameters have not changed and remain as previously approved.

## **2. DESCRIPTION OF SITE**

- 2.1 The site previously accommodated a non-domestic land fill site and extends to approximately 17 hectares. It is currently used by as an off-road motorcycle facility which is managed by the Council. The site contains earth mounds to a height approximately 30 metres above sea level. Rover Way is approximately 8 metres above sea level.
- 2.2 The site is known as the former 'frag tip' site and adjoins the Severn Estuary to the south east. A traveller site abuts the site to the northeast, with Rover Way/existing industrial operations to the northwest and southwest.
- 2.3 Further away to the northwest are the existing residential communities of Tremorfa and Pengam Green.
- 2.4 The Wales Coast Path adjoins the southeast boundary to the Severn Estuary, which is designated as a Special Area of Conservation (SAC), a Special Protection Area (SPA), RAMSAR site, and a Site of Special Scientific Interest (SSSI). A Site of Importance for Nature Conservation also exists beyond Rover Way at Pengam Moors.
- 2.5 The majority of the site, including the indicative area of built development, would be located within Zone B as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). However part of the site to the North East includes an access road within DAM zone C2.

## **3. SITE HISTORY**

- 3.1 17/02130/MJR: Outline permission granted in June 2018 for the removal of fill material and the construction of a biomass power plant (up to 9.5MW) and a maximum of 130,000 sq ft of industrial accommodation (B8 Use Class), new access roads and associated landscaping works.
- 3.2 14/01765/DCI: Permission granted in March 2015 for a single 500kW wind turbine with associated electrical infrastructure and crane hardstanding.
- 3.3 06/02438/E: Permission granted in December 2006 for the construction of an off-road motorcycle track using recycled aggregate (electric arc slag), sub soil and top soil, provide containerised facilities for office, first aid, training and drying.
- 3.4 97/02263/R: Permission granted in March 1998 to create a new landform to be used for informal public recreation and nature conservation.

## 4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales, Edition 10 (December 2018)

4.2 Technical Advice Notes (TANs):

|    |                                  |
|----|----------------------------------|
| 5  | Nature Conservation and Planning |
| 8  | Renewable Energy                 |
| 11 | Noise                            |
| 12 | Design                           |
| 14 | Coastal Planning                 |
| 15 | Development and Flood Risk       |
| 16 | Sport, Recreation and Open Space |
| 18 | Transport                        |
| 21 | Waste                            |

4.3 Local Development Plan (January 2016):

|      |   |
|------|---|
| KP1  | Level of Growth   |
| KP4  | Masterplanning Approach   |
| KP5  | Good Quality and Sustainable Design                             |
| KP6  | New Infrastructure  |
| KP7  | Planning Obligations  |
| KP8  | Sustainable Transport   |
| KP9  | Responding to Evidenced Economic Needs                          |
| KP12 | Waste   |
| KP13 | Responding to Evidenced Social Needs                            |
| KP14 | Healthy Living  |
| KP15 | Climate Change  |
| KP16 | Green Infrastructure  |
| KP18 | Natural Resources   |
| EC1  | Existing Employment Land  |
| EN5  | Designated Sites  |
| EN6  | Ecological Networks and Features of Importance for Biodiversity |
| EN7  | Priority Habitats and Species                                   |
| EN8  | Trees, Woodlands and Hedgerows                                  |
| EN10 | Water Sensitive Design  |
| EN11 | Protection of Water Resources                                   |
| EN12 | Renewable Energy and Low Carbon Technologies                    |
| EN13 | Air, Noise, Light Pollution and Land Contamination              |
| EN14 | Flood Risk  |
| T1   | Walking and Cycling   |
| T2   | Strategic Rapid Transit and Bus Corridor Enhancement            |
| T5   | Managing Transport Impacts                                      |
| T6   | Impact on Transport Networks and Services                       |
| T7   | Strategic Transportation Infrastructure                         |
| T8   | Strategic Recreational Routes                                   |
| C1   | Community Facilities  |
| C3   | Community Safety/Creating Safe Environments                     |
| C6   | Health  |

4.4 Supplementary Planning Guidance:

Green Infrastructure (November 2017)  
Managing Transportation Impacts (July 2018)  
Waste Collection and Storage Facilities (October 2016)  
Planning Obligations (January 2017)  
Planning for Health and Well-Being (November 2017)

**5. INTERNAL CONSULTEES RESPONSES**

- 5.1 The **Operational Manager, Transportation**, advises that, so long as the development is not changing, nor encouraging additional traffic generation he cannot see that a new Transport Assessment is required, as Rover Way is operating at capacity now. There are a number of restrictive conditions in the permission (for times of arrival, number of trips, monitoring exercises, etc) all of which need to be retained.
- 5.2 The **Shared Regulatory Service (Contaminated Land)** has no comments in relation to this application.
- 5.3 The **Council's Tree Officer** advises that any renewal of permission should include Condition 33 as per the 2017 permission, though he would suggest that this be amended to require a Soil Resource Survey and Plan in accordance with the Soils and Development TGN to inform landscaping details and specifications. The 2017 permission refers only to a Soil Resource Survey.
- 5.4 The **Operational Manager, Waste Management**, has no objections to the extension of the outline permission relating to application 17/02130/MJR. Their previous comments remain relevant.
- 5.5 The Council's **Ecologist** has amended the Habitats Regulations Assessment (HRA) in line with advice received from Natural Resources Wales. He considers that the ecological conditions across the Severn Estuary as a whole are not likely to have changed to the extent that the proposed project is now more likely to have an adverse effect on the integrity of the Severn Estuary EMS. A copy of version 1.5 of the Appropriate Assessment is attached to this report.
- 5.6 The **Operational Manager, Environment (Noise & Air)** recommended conditions relevant for noise and odour impact assessments, delivery time restrictions, no chipping and open storage restrictions (Conditions 19-23). These conditions have not been discharged and they are not aware of any recent housing developments that would be in closer proximity to this site since the 2017 applications. Therefore their comments remain the same.
- 5.7 The Council's **Public Rights of Way** Team has no objections to the two year extension of the consented application. It would be helpful if the applicant

could liaise with them prior to any works being undertaken as licenses will be required to work on the site. Also, they are having a number of issues with fly tipping and illegal access along the Public Right of Way and would like to consider how the path will be protected in the future to prevent illegal access. PRow has grant funding to make improvements along the Wales Coast Path which is along this Public Footpath therefore further discussions would be helpful.

- 5.8 The **Operational Manager, Drainage Division**, has no comments on the application.
- 5.9 The **Shared Regulatory Service (Air Quality)** understands that this application is an extension request to the previous submitted and consented application 17/02130/MJR. The supporting air quality assessment documentation (original report and subsequent technical note) produced in accordance with 17/02130/MJR concluded that the 24-hour NOx critical level will be exceeded in the Severn Estuary SPA/SAC. However due to the fact that the process contribution for NOx in the outlined saltmarsh area is below 10% of the Critical Level, it can therefore be screened out as insignificant in accordance with Environment Agency guidance (Environment Agency, 2018, Air emissions risk assessment for your environmental permit). It was agreed that following these outcomes that a condition be applied and this judgement still applies to the extension submission.

## **6. EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Dwr Cymru Welsh Water** acknowledges that this application seeks the renewal of planning permission 17/02130/MJR for the 'removal of fill material and the construction of a circa 9.5MW biomass power plant and 130,000 sq. ft. of industrial accommodation (B8 use class), new access roads and associated landscaping works'. They can confirm their comments in their response letter to the original application still stand. They note the conditions recommend in their original response were included on the planning consent (Conditions 16 & 17). However, they can confirm they have not yet been instructed by the developer to undertake the Clean Hydraulic Modelling Assessment as required under condition 17.
- 6.2 **CADW**, in response to planning application 17/02130/MJR noted that scheduled monument GM296 Pen y lan Roman Site was not inter visible with the development and that the development would have a negligible effect on the setting of scheduled monument GM474 Relict Seawall on Rumney Great Wharf. They therefore had no objection to the original application. They are unaware of any changes to the historic environment in the area surrounding the proposed development since that advice was given and therefore have no objection to the renewal of the consent.
- 6.3 **Glamorgan Gwent Archaeological Trust** note that the current application is for the renewal of 17/02130/MJR and their understanding of the archaeological resource within the application area is unchanged and consequently, their response remains the same and is reiterated below.

Information in the Historic Environment Record notes that the application area is formed from industrial material placed to reclaim ground from the Severn Estuary during the 1970s. The ground is formed from layers of material tipped in different events since then, which now comprises a deep formation which has created a 30m AOD land surface. If the proposal were to involve any works which would significantly penetrate beneath the dumped material, essentially entering the estuarine deposits, then there would be the potential for archaeological deposits to be encountered. However, the details provided state that whilst some material will be removed, enough will remain to provide a foundation level at between 12m and 14m to allow enabling works for platforms for the various elements of the development. Archaeological works adjacent to the south west have not shown any significant archaeological features or finds and in this case it is their opinion that the proposed development will not adversely impact on any archaeological resource, and that consequently they do not recommend any mitigation measures.

- 6.4 **Natural Resources Wales** have been in dialogue with the Council regarding the Council's amended Habitats Regulations Appraisal (version 1.4).
- 6.5 They advised (their reference: CAS-126133-C5P2) that an updated Habitats Regulations Assessment be prepared which considers whether there has been any change in the baseline environmental conditions since the previous permission was granted. They recommended that as the competent authority, Cardiff Council carry out an updated 'appropriate assessment' of the proposal in accordance with Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017. They also advised there is a need to consider this proposal 'in combination' with other developments in the vicinity. Version 1.4 of the Habitats Regulations Appraisal (HRA) dated December 2020 references discussions between NRW and Cardiff Council of potential projects which, acting in combination with this project, could have cumulative effects on the qualifying Atlantic Saltmeadow / Saltmarsh feature of the Severn Estuary SAC. Specifically, where the predicted in-combination annual mean NO<sub>x</sub> process contributions would exceed 1% of the Critical Level for this type of vegetation.
- 6.6 They note paragraph 2.5.2 references the NO<sub>x</sub> aerial emissions of the proposal have the potential to affect the features of the Severn Estuary, with the Atlantic Saltmeadow / saltmarsh and mudflats and sandflats habitats being particularly sensitive. The HRA states that air quality impacts on the Severn Estuary to be significant. The submission documents with planning permission 17/02130/MJR includes an Air Quality Technical Note (dated April 2018) which provides the results of dispersion modelling of emissions from the proposed biomass power plant on the parts of the salt marsh habitat. The location for these receptor points on the salt marsh habitat was previously agreed and they consider they are still relevant for this assessment. Table 3 in the Technical Note provides a predicted NO<sub>x</sub> at the Saltmarsh Habitat receptor points with a process contribution of 0.41µg/m<sup>3</sup> or 1.4% of the Environmental Assessment Level. Paragraph 3.2 of the Technical Note concludes that, as this is more than 1% it cannot be immediately discounted as insignificant, however, when combined with the baseline annual mean NO<sub>x</sub>

concentration, the PEC is 25.2 µg/m<sup>3</sup> which is below the Critical Level of 30 µg/m<sup>3</sup>. The HRA (paragraph 2.5.5) suggests a planning condition together with other controls (such as Environmental permitting) must be applied to require and enforce counteracting measures which would eliminate any adverse impacts. The HRA concludes that provided the above is attached and implemented there would be no adverse effect upon the integrity of the Severn Estuary via aerial emissions causing pollution of the Severn Estuary habitats. They note traffic emission are not considered in the HRA but the Air Quality Assessment (dated October 2017) in paragraph 4.4 screens traffic emissions out using EPUK / IAQM criteria. Therefore, if the relevant Environmental Permitting Regulations controls are in place for the biomass plant, they are satisfied the HRA can conclude no adverse effect on the integrity of the Severn Estuary, alone.

- 6.7 The projects scoped into the assessment which could have cumulative effects on the qualifying Atlantic Saltmeadow / Saltmarsh feature of the Severn Estuary SAC are set out in paragraph 1.5 of the HRA. Paragraphs 3.9 – 3.16 assess the effects on the saltmarsh habitat from predicted NO<sub>x</sub> emissions. The assessment uses the NO<sub>x</sub> background level (baseline concentration) of 24.8 µg/m<sup>3</sup> given in the April 2018 Technical Note.
- 6.8 The HRA has added the individual project's NO<sub>x</sub> process contributions at relevant receptor points on the saltmarsh habitat which, when combined with the background level figure above, represents a cumulative PEC value of 25.82µg/m<sup>3</sup> of NO<sub>x</sub>. The HRA explains this value is greater than the 70% 'insignificance' threshold criteria stated in Environment Agency Air Emissions Risk Assessment guidance.
- 6.9 The HRA confirms detailed modelling has been carried out for the individual projects and the resulting cumulative PEC does not exceed the environmental standard which is the Critical Level of 30µg/m<sup>3</sup> of NO<sub>x</sub>. On this basis, the HRA has concluded the Critical Level of NO<sub>x</sub> on the saltmarsh habitat is not breached when acting in combination, so there would be no adverse effect upon the integrity of the Severn Estuary SAC.
- 6.10 However, there appears to be further projects which may also add process contributions to NO<sub>x</sub> concentration which were not considered during the original HRA. These are: 1) Celsa asphalt batching plant (19/01918/MJR) and 2) Celsa reheat furnace (19/02844/MJR), which are both located to the west of the application site. The Celsa asphalt batching plant permission includes a cumulative Air Quality Assessment titled Appendix 9-6, v4 final (dated November 2019) which considered this application (Rover Way Biomass Plant) as well as other 'committed' projects. The cumulative assessment included traffic emissions from Celsa asphalt batching plant and Rover Way biomass plant. Table 9-6-6 of the assessment illustrates the maximum impacts on annual mean NO<sub>x</sub> Critical Levels, providing a worst-case cumulative NO<sub>x</sub> process contribution of 0.55µg/m<sup>3</sup> (or 1.83% within a very small area of this habitat – figure 9-6-4). They refer to their previous advice under 19/01918/MJR where they advised no adverse effect on the integrity of the Severn Estuary SAC can be concluded, based on the information and

assessment at the time. The Celsa reheat furnace permission (19/02844/MJR) included an air quality assessment, dated October 2019. This modelled a NO<sub>x</sub> process contribution for the replacement furnace and concluded contributions from the new furnace on ecological receptors will be lower than the existing, therefore having a beneficial effect.

- 6.11 As the above projects would not exceed the environmental standard (30µg/m<sup>3</sup> of NO<sub>x</sub>) if added to the cumulative assessment, they are satisfied the HRA can conclude no adverse effect on the integrity of the Severn Estuary. Therefore, they consider an appropriate assessment has been carried out which enables Cardiff Council, as the competent authority, to conclude the proposed development would not adversely affect the integrity of the Severn Estuary SAC, SPA and Ramsar subject to the suggested planning conditions being attached and implemented. They refer to their previous response and their request for appropriate conditions being attached to any permission granted regarding land contamination and pollution prevention.
- 6.12 **Welsh Government Transport Division**, as the highway authority for the M4 motorway and trunk roads in Wales, does not issue a direction in respect of this application.

## 7. **REPRESENTATIONS**

- 7.1 **Stephen Doughty MP** objects to further incineration/carbon intensive energy projects being built locally for the following reasons:
- (i) These are completely inconsistent with our UK and Wales Paris Climate Change objectives, the Future Generations Act of the Senedd and Cardiff Council's own One Planet strategy launched just last week.
  - (ii) Air pollution / air quality – Splott already has one incinerator and has significant other adverse contributors to air quality. These include pollution associated with traffic, heavy and light industry and of course the Viridor incinerator. The council has little or no information on the cumulative effect of this. He strongly feels that this information is needed before a decision can be made. Not least in the context of a respiratory disease pandemic, and wider evidence of air quality impacts on public health - this seems utterly inappropriate.
  - (iii) Wentllog Incinerator application – Since the planning authority last considered the biomass application a further application has been submitted for a commercial waste incineration nearby which he also totally objects to. The data does not exist to state that 3 incinerators can operate safely in such a small area - with another in Barry just miles away - and others in the Severnside area, alongside the emissions already associated with another existing major industrial site – the local steel plant.
  - (iv) Neighbour Impact – The location of the proposed incinerator is next to a significant residential area, local schools and families living on the Rover Way and Shirenewton Traveller sites. These communities are already surrounded by industry and an extremely busy road. There is not enough information to guarantee their wellbeing will not be

- significantly impacted.
- (v) Traffic – Rover Way is already heavily congested and additional vehicles will of cause adversely impact on this. Congestion on Rover Way impacts on the entire east of Cardiff but particularly on the roads of Splott, Tremorfa and Pengam Green. More development would require significant additional investment in Rover Way.
  - (vi) Eastern Bay Link Road – The Council has a long stated ambition for the road to be completed, construction of this site could well place that ambition in jeopardy.
  - (vii) Soil survey – Land at this site is contaminated but the council does not have accurate data as to the extent and this could well have got worse since previous applications. No building should take place on sites where this data is potentially inadequate.

7.2 **Vaughan Gething MS** writes on behalf of a number of his constituents in his capacity as Member of the Senedd for Cardiff South and Penarth. He highlights his concerns surrounding the renewal of planning permission for the proposed Biomass Power Plant on Rover Way. He urges the Planning Committee to reject this application, objecting as follows:

- (i) Air Pollution /Air Quality – Splott already has one incinerator and has significant other adverse contributors to air quality. These include pollution associated with traffic, heavy and light industry and of course the energy from waste incinerator. The Council has little or no information on the cumulative effect of this. He strongly feels that this information is needed before planning permission can be granted.
- (ii) Wentloog Incinerator application – Since the planning authority last considered the biomass application a further application has been submitted for a commercial waste incineration nearby. The data does not exist to state that 3 incinerators can operate safely in such a small area.
- (iii) Impact on neighbours – The location of the proposed incinerator is next to a significant residential area with many families living on the Traveller's site. These families are already surrounded by industry and an extremely busy road.
- (iv) Traffic – Rover Way is already heavily congested, congestion on Rover Way impacts on the entire east of Cardiff but particularly on the roads of Splott, Tremorfa and Pengam Green. More development would require significant additional investment in Rover Way. Since the last time this application was considered the problem with horses fly-grazing on the side of the road in this area has got much worse, often these animals are not tethered, the council would need to address this problem before any development were permitted;
- (v) Eastern Bay Link Road – The Council has a long stated ambition for the road to be completed, construction of this site could well place that ambition in jeopardy;



- (vi) Soil survey – Land at this site is contaminated but the council does not have accurate data as to the extent and this could have worsened since previous application.

7.3 **Councillors Stubbs, Henshaw and Thomas**, the Local Members for Splott, object to the application for the following reasons:

- (i) Air pollution – Splott already has one incinerator and has significant other adverse contributors to air quality. These include pollution associated with traffic, heavy and light industry and of course the energy from waste incinerator. The Council has little or no information on the cumulative effect of this. They strongly feel that this information is needed before the application can be determined.
- (ii) Wentloog Incinerator application – Since the planning authority last considered the biomass application a further application has been submitted for a commercial waste incineration nearby. The data does not exist to state that 3 incinerators can operate safely in such a small area.
- (iii) Neighbour Impact – The location of the proposed incinerator is next to a significant residential area with many families living on the Traveller's site. These families are already surrounded by industry and an extremely busy road.
- (iv) Traffic – Rover Way is already heavily congested, congestion on Rover Way impacts on the entire east of Cardiff but particularly on the roads of Splott, Tremorfa and Pengam Green. More development would require significant additional investment in Rover Way. Since the last time this application was considered the problem with horses fly-grazing on the side of the road in this area has got much worse, often these animals are not tethered, the council would need to address this problem before any development were permitted;
- (v) Eastern Bay Link Road – The Council has a long stated ambition for the road to be completed, construction of this site could well place that ambition in jeopardy;
- (vi) Soil survey – Land at this site is contaminated but the council does not have accurate data as to the extent and this could have worsened since previous application;
- (vii) They request that this matter is brought to full Planning Committee and would like to thank the planning committee for considering these points and urge them to reject this application.

7.4 The application was advertised by **9 no. site notices** which were placed at key locations in the vicinity of the application site on 15 September 2020.

7.5 A **petition** of 563 signatures has been received (of which more than 50 are from the Cardiff area) opposing the application on the following grounds:

- (i) No clear reason for extension – No evidence has been given as to why the developer needs more time than currently allowed;
- (ii) Planning blight – An extension of planning permission would likely

result in continued uncertainty over the use of the site which has no clear timeframe for completion. Under the Cardiff Local Development Plan this site could be better used;

- (iii) Air quality – They are deeply concerned that there has been no monitoring of small particulates (PM10 and PM2.5) in the locality, despite the nearby steel works, the existing waste incinerator, and the proposal for a second in Wentloog (ref: 19/02588/MJR), as well as the proximity of the site to residents and especially to the Gypsy, Roma and Traveller community on Rover Way adjacent to the planned power plant. Without such monitoring, it is impossible to know whether legal limits are already being approached or even exceeded;
- (iv) Documentation – Further documentation needs to be completed in light of Cardiff Council's policy commitments around Carbon neutrality by 2025. An Environmental Aspect Assessment and Strategic Environmental Assessment and sustainability appraisal should be undertaken. The renewal of this outline planning permission to build a wood-burning biomass incinerator will put the health of local residents at risk and fails to tackle the climate emergency which Cardiff Council and Welsh Government have announced and are resolved to fight against. Splott already has 1 waste incinerator, and with proposals for another in Wentloog, the east of Cardiff is at risk of up to three incinerators within close proximity to homes and schools in Splott, Tremorfa and Pengam Green. In particular, the proposed location of this biomass generator on Rover Way is next to a gypsy and traveller caravan site which has a number of residents with existing disabilities and health conditions (including respiratory problems);
- (v) Burning wood emits similar levels and a similar range of pollutants as burning coal including CO<sub>2</sub>, sulphur dioxide, mercury, Volatile Organic Compounds and small particulates such as PM<sub>2.5</sub>; all of which can be detrimental to human health and the environment;
- (vi) Biomass is a counter productive and flawed form of energy production. Generating a unit of energy from wood emits between 3% and 50% more CO<sub>2</sub> upfront than generating it from coal. Trees help to absorb excessive levels of CO<sub>2</sub> in the atmosphere, but cutting down trees to burn both releases the CO<sub>2</sub> back into the atmosphere and reduces our ability to capture CO<sub>2</sub>. Often wood is shipped in from abroad which furthers the deforestation and climate crisis across the world. Cardiff is the 6th most at risk city in the world to sea level rises and we ask that Cardiff Council reject this application in favour of encouraging investment in clean, renewable forms of energy.

7.6 **11 no. objections have been received from residents** on Cae Syr Dafydd (Canton), Baron's Court Road (Penylan), Hollybush Road (Cyncoed), Adventurers Quay (Butetown), Crwys Road (Cathays), Connaught Road (Plasnewydd), Railway Street (Splott), Inchmarnock Street (Splott), Hawker Close (Splott), Skelmuir Road (Splott) plus one representation from a resident of Newcastle Emlyn, who object to the application for the following reasons:

- (i) Air Pollution – burning waste wood would contribute particulates (PM<sub>10</sub> concentrations) to an area of Cardiff already under air

pollution stress from a combination of traffic, industrial works, and the Viridor incinerator. Legal nitrogen dioxide limits are being breached at Ocean Way which have not been included. The application should be suspended until further assessment has been carried out. Cardiff's air quality is amongst the worst 10 cities in the UK according to the WHO;

- (ii) Would produce CO<sub>2</sub> contrary to Cardiff's declaration of a Climate Emergency. Cardiff should be encouraging renewable electricity production instead. Biomass electricity is the least efficient way of using land to produce energy. It is not a clean or green energy resource and emits as much CO<sub>2</sub> as fossil fuels. Solar energy would provide a greater return. Importing wood from abroad would increase emissions;
- (iii) The application nearby for a commercial waste incinerator in Wentloog would add to pollution levels and should be factored in;
- (iv) Increased traffic to an area already congested. Over 40 vehicles a day will transport material to the site as well as staff yet a congestion charge is being considered for non-residents;
- (v) Lack of supporting documentation Cardiff Council and Welsh Government have both announced a climate and ecological emergency and committed to carbon neutrality by 2030 since the original approval. The biomass plant contradicts these policy obligations. A Strategic Environmental Assessment needs to be undertaken. Updated documentation has not been provided with the application and relying on information from 2017/18 is not sufficient. A Life Cycle Assessment has not been completed to assess the environmental impacts of the use of materials from acquisition to disposal. It is not understood how the application fits into the Welsh Government's circular economy strategy aspirations. An up-to-date Environmental Aspect Assessment should also be completed to highlight how the company plans on managing environmental risk using a life cycle approach (both indirect and direct aspects).
- (vi) No Environmental Permit has been secured from Natural Resources Wales. The application should be suspended until one has been granted;
- (vii) Increased health risks to nearby Traveller Community and further afield;
- (viii) Increased operational noise higher than the 20dB stated in the application. Monitoring of other nearby incinerators indicates a higher level.
- (ix) Lack of public consultation;

- (x) Contrary to the policy obligations around climate change and the UK Government's commitment to the Paris Climate Agreement of keeping temperature rises below 1.5%.
- (xi) Contrary to Cardiff's One Planet Strategy;
- (xii) Contrary to the Welsh Government's 2008 'Plant!' scheme (a tree is planted in celebration of every child born or adopted in Wales, with corresponding planting in Uganda since 2014).

7.7 **Friends of the Earth** object in the strongest possible terms to the renewal of planning permission on the following grounds:

- (i) No credible reason has been given for extending the time-period for commencing development. The planning consent granted in September 2017 requires the developer to commence the development within five years of that date, or two years of approval of the reserved matters. This means that the developer still has almost two years left to commence development and have the reserved matters approved. The argument put forward in the S.73 application is that an extension is required to ensure that a planning permit and authorisation by the Highways Authority can be secured. No reasons are given as to why the developer has not - as they understand - applied for such a permit and authorisation so far, nor why they would need more time than is already available to them under the existing planning conditions in order to go through those processes.
- (ii) Planning blight: The Cardiff Local Development Plan classifies the site as one "protected for B Use Class employment generating uses", (EC1.3), stating "In addition, in order to maximise the contribution to providing jobs from existing sites and promote the efficient use of land, the strategy seeks to encourage the intensification and refurbishment of existing employment land and premises which are under used, vacant or in decline." Right now, the site is largely vacant, i.e. it is not being put to use in any way that would provide employment. Since planning consent was granted in 2017, the developers appear to have done nothing to progress their proposed development, nor have they given any reason for the delays on their part. They are now asking for three additional years to commence employment. This raises the prospect of the site remaining unavailable for any potential job-creating activities for several more years. They understand that time limits to planning consents have been introduced to ensure that land will not unnecessarily be taken out of active use indefinitely for proposed developments that may never materialise. We would suggest that an extension might well result in 'planning blight', i.e. stymie other proposals and developments for longer.
- (iii) Air Quality – Since the original application was approved in 2017, a new Planning Policy Wales has been published which states in section 6.7.2.: "*National air quality objectives are not 'safe' levels of air*

*pollution....It is desirable to keep levels of pollution as low as possible.”* Section 6.7.10 further states: *“asking a sustainable approach will mean balancing short-term needs against long-term objectives to reduce public exposure to airborne pollution and giving particular consideration to the presence of air quality management areas, noise action planning priority areas and areas with sensitive receptors when proposing new development and particularly when preparing development plans.”* They read this as a strengthening of air quality planning policy since the original planning decision was made. In the context of air quality, they are deeply concerned that there has been no monitoring of small particulates (PM10 and PM2.5) in the locality, despite the nearby steel works, the existing waste incinerator, and the proposal for a second in Wentloog (ref: 19/02588/MJR), as well as the proximity of the site to residents; especially to the Gypsy, Roma and Traveller community on Rover Way adjacent to the planned power plant. Without such monitoring, it is impossible to know whether legal limits are already being approached or even exceeded.

- (iv) Documentation – Since the original approval of this planning permission, Cardiff Council and Welsh Government have both announced a climate emergency and committed to carbon neutrality by 2030. Due to the significant effect on clean air and net CO2 emissions, an extension of this planning permission should be considered bearing these policy changes in mind. In line with these new policy commitments, and in order to take account of the significant long-term environmental effects of this plant, under the EU Directive 2001/42/EC and The Environmental Assessment of Plans and Programmes Regulations 2004, we believe that a Strategic Environmental Assessment and sustainability appraisal needs to be undertaken with regard to this plant. As far as we are aware, a Life Cycle Assessment has not been completed to assess the environmental impact of the biomass plant's use of materials. Full accountability of the industrial ecology, procurement, supply and delivery of materials needs to be accounted for. An up-to-date Environmental Aspect Assessment should also be completed to highlight how the company plans on managing environmental risk using a life cycle approach (both indirect and direct aspects).

## **8. ANALYSIS**

- 8.1 Members are advised to note that this application seeks to extend the life of the extant planning permission for a further two years from the date of any permission that is granted. No changes to the parameters of the outline permission are proposed. The scale and character of the development would remain as previously approved.
- 8.2 Following receipt of the application a screening exercise took place to establish whether the previous Environmental Statement (ES) remained adequate for the purposes of this application. It was concluded that, mindful the short time that had elapsed since the permission and that no other

changes to the approved development were being proposed, the previous ES did indeed remain adequate to assess the significant effects of the development on the environment and no further information was required to assist in the consideration and determination of the application.

### **Planning Policy Context**

- 8.3 Since the granting of the original planning permission in June 2018, Edition 10 of Planning Policy Wales has been published (December 2018) (PPW10). PPW10 recognises an energy hierarchy in which all new developments are expected to mitigate the causes of climate change. Reducing energy demand and increasing efficiency through the location and design of new development will assist in meeting energy demand with renewable and low carbon sources.
- 8.4 LDP Policy KP15 (Climate Change) advises that reducing carbon emissions is one of a number of factors that can mitigate against the effects of climate change.
- 8.5 Concerns have been raised during the public consultation surrounding the likely pollution levels generated by the biomass plant against the national planning policy backdrop of PPW10.
- 8.6 In response, it should be noted that the principle of this development has previously been established by the 2018 permission. Members should also note that the Local Planning Policy Context has not changed and remains the adopted development plan just as it was when the original planning application was approved. Finally, the biomass plant comprises one component of the application and needs to be considered in the context of the whole development; the biomass will provide thermal and heat energy to supply up to 130,000 square feet of zero to low carbon industrial development. The proposed development is considered to be in alignment with national and local planning policies to reduce carbon emissions.

### **Traffic**

- 8.7 It is noted that the Operational Manager, Transportation, has no reason to oppose the application provided that all relevant conditions previously attached to the original permission are re-attached to any future permission.
- 8.8 Regarding the future route of Eastern Bay Link, no details of the precise route are currently available. It is noted that Welsh Government Transport Division has not raised this as a concern. In any event the route will have to avoid private land and therefore the future extension is not considered to be an issue that could reasonably prevent the delivery of this development.

### **Land Contamination**

- 8.9 It is noted that Shared Regulatory Services' Contaminated Land Team have no comments to make on this application. All previous conditions to safeguard

against contamination are considered to remain sufficiently robust and are therefore recommended to be re-attached to any planning permission.

### **Noise**

- 8.10 It is noted that Shared Regulatory Services Noise and Air Pollution Team remain satisfied that any potential noise impacts can be satisfactorily mitigated through re-attaching conditions, including the requirement to achieve acceptable noise levels through the submission and approved of a noise assessment.

### **Air Pollution & Health**

- 8.11 It is noted that the Shared Regulatory Services Air Quality Officer is satisfied with the 2 year time extension sought, subject to a relevant condition securing the submission and written approval of an Air Quality Assessment confirming that the emissions from the Biomass Plant are within acceptable levels.
- 8.12 The original Environmental Assessment included the existing waste incinerator in Splott in the baseline information. The proposed ERF ('Mor Hafren') at Newlands Road is a 'Development of National Significance' (DNS) and will therefore be considered by the Planning Inspectorate who will submit their recommendation to the Welsh Ministers in accordance with DNS legislation. As this scheme does not benefit from a planning permission (an application for this project was registered in October 2020) it is not an existing or committed development for the purposes of the EIA Regulations. However, an 'in-combination' assessment of Mor Hafren and other similar developments has been included within the Habitats Regulations Assessment (HRA). This HRA has been amended following dialogue with NRW and version 1.5 concludes that the effects of the proposals, including their 'in-combination' effects with other similar projects in the vicinity, would not be likely to have an adverse effect upon the integrity of the Severn Estuary European Marine Sites. A copy of the HRA is appended to this report. NRW have confirmed their agreement with the HRA's conclusion (paragraph 6.11) and recommend relevant conditions to safeguard against land contamination and pollution prevention. These conditions are proposed to be re-attached.

### **Residential Amenity**

- 8.13 It is considered that the amenities of local residents can be adequately safeguarded through the imposition of relevant conditions that were previously attached. There is no change to the parameters of the development that would lead to a different conclusion this time. Members are also reminded that the detailed design of the development will require further approval and the need to safeguard residential amenity in the light of detailed design will be assessed again at this subsequent stage.

### Third Party Representations

8.14 In response to the third party representations received which have not already been covered in this report, the following comments are made:

- (i) The applicant is seeking a time extension to keep the permission 'alive' whilst they seek to obtain the necessary Environmental Permit Consent from Natural Resources Wales and approvals for highway works from the Highways Authority. In any event, the Local Planning Authority does not require 'evidence' to justify the time extension – its duty is to determine any valid application it receives.
- (ii) Extending the life of the extant permission would, on the contrary, provide greater certainty for the future use of this site. The site is not allocated for any specific development in the Local Development Plan (LDP);
- (iii) The cumulative impacts of this development together with other developments in the vicinity were assessed in the original Environmental Statement (ES);
- (iv) The proposals for an energy recovery facility in Wentloog comprise a 'Development of National Significance' (DNS). This application by another developer is entirely separate from the current application before Committee. The DNS is currently under consideration by the Planning Inspectorate and will eventually be determined by the Welsh Ministers (PINS ref: DNS/3236340). Any comments on this application should be submitted to the Planning Inspectorate;
- (v) Horses grazing untethered on the verges along Rover Way is a highways management issue to resolve outside of the determination of this planning application;
- (vi) The Environmental Permitting Process is regulated by Natural Resources Wales under separate legislation and sits outside the scope of the planning application process;
- (vii) The application has been publicised by 9 no. site notices and neighbour notification letters, thereby exceeding publicity requirements;
- (viii) The Welsh Government's Plant! Scheme creates new woodlands for future generations across Wales at specific designated sites. A Green Infrastructure Strategy to include tree planting is required by condition to be approved prior to the submission of any reserved matters applications. Landscaping is also reserved for subsequent approval.
- (ix) The application is accompanied by an Environmental Impact Assessment which has assessed the likely significant environmental effects of the development. There is no planning requirement to submit a Life Cycle Assessment.

8.15 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.



- 8.16 *Equality Act 2010* – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 8.17 *Well-Being of Future Generations Act 2015* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 8.18 *Environment (Wales) Act 2016* – This Act enshrines in law principles and policies for managing natural resources in a sustainable way. Amongst other things it introduces a new biodiversity duty on public authorities to seek to maintain and enhance biodiversity when exercising their functions, and in so doing to promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. This duty and the resilience of ecosystems, have been considered and discharged in the evaluation of this outline application. Conditions are recommended that would serve to create and enhance local opportunities for wildlife and enhance biodiversity. This duty would be further considered during the consideration of reserved matters and future discharge of condition applications.

## **9. CONCLUSIONS**

- 9.1 It is recommended that, having considered the environmental information, planning permission be granted to amend condition 1 to extend the life of the permission for a further two years from the date of this permission, subject to relevant conditions.

## Habitats Regulations Appraisal

Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), and Wetland of International Importance (Ramsar Site)

Application No: 20/01279/MJR  
Proposal: Renewal of 17/02130/MJR for the removal of fill material and the construction of a biomass power plant (up to 9.5mw) and a maximum of 130,000 sq. ft. of industrial accommodation (B8 use class), new access roads and associated landscaping works  
Location: Land at Rover Way, Pengam  
DC Officer: Tim Walter

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## Introduction

0.1 This planning application was identified as requiring a Habitats Regulations Appraisal in accordance with section 1.5.11 of the approved Green Infrastructure Supplementary Planning Guidance.

0.2 Under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 (as amended), referred to as the 'Habitats Regulations', a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which...

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- b) is not directly connected with or necessary to the management of that site.

...must make an appropriate assessment of the implications for that site in view of that site's conservation objectives. In the light of the conclusions of the assessment, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

0.3 The European Sites considered here are the Severn Estuary Special Area of Conservation (SAC) and the Severn Estuary Special Protection Area (SPA).

0.4 As a matter of Welsh Government policy, Ramsar sites (sites listed under the Ramsar convention as wetlands of international importance) should be treated in the same way as SACs and SPAs, including in particular in relation to the consideration of plans and projects likely to affect them. Therefore following a procedure analogous to Regulation 63 in relation to the Severn Estuary Ramsar Site would also help ensure adherence to WG policy. For the remainder of this document these three designations will be referred to as the Severn Estuary European Marine Site (Severn Estuary EMS).

0.5 This procedure, known as a Habitats Regulations Appraisal (HRA), has been invoked because it has been identified that the current project has the potential to affect the Severn Estuary EMS and it is not directly connected with or necessary to the management of those sites.

0.6 Table 1 below sets out the main stages in undertaking a HRA. The subsequent HRA text will refer to Stage 1, Stage 2 etc as described in this table. It may not be necessary to complete all stages for all factors which may affect the designated sites.

| <b>Table 1</b>  |   |
|---|---|
| <b>Habitats Regulations Assessment: Key Stages</b>                                    |   |
| <b>Stage 1</b>  |   |
| <b>Screening for likely significant effect</b>  | <ul style="list-style-type: none"> <li>▪ Describe the project being considered</li> <li>▪ Identify international sites in and around the plan/ strategy area in a search area agreed with the Statutory Body Natural Resources Wales</li> <li>▪ Examine conservation objectives of the interest feature(s)(where available)</li> <li>▪ Review proposals and consider potential effects on European sites (magnitude, duration, location, extent)</li> <li>▪ Examine other plans and programmes that could contribute to in combination effects</li> <li>▪ Produce Screening Assessment</li> </ul> |
|   | <ul style="list-style-type: none"> <li>▪ <i>If no effects likely – report no significant effect (taking advice from NRW if necessary).</i></li> <li>▪ <i>If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to <b>stage 2</b></i></li> </ul>  |
| <b>Stage 2</b>  |   |
| <b>Appropriate Assessment</b>   | <ul style="list-style-type: none"> <li>▪ Agree scope and method of AA with NRW</li> <li>▪ Consider how project, in combination with other projects, will interact when implemented, taking into account inherent avoidance and mitigation measures (the Appropriate Assessment)</li> <li>▪ Using the AA, and any conditions or restrictions which may be applied to any planning consent, undertake Integrity Test</li> <li>▪ Report outcomes of HRA including mitigation measures, conditions or restrictions, and consult with NRW</li> </ul>   |
|   | <ul style="list-style-type: none"> <li>▪ If plan will not significantly affect European site proceed without further reference to Habitats Regulations</li> <li>▪ <i>If effects or uncertainty remain following the consideration of alternatives and development of mitigations proceed to <b>stage 3</b></i></li> </ul>   |
| <b>Stage 3</b>  |   |
| <b>Procedures where significant effect on integrity of international site remains</b> | <ul style="list-style-type: none"> <li>▪ Consider alternative solutions, delete from plan or modify</li> <li>▪ Consider if priority species/ habitats affected</li> <li>▪ Identify ‘imperative reasons of overriding public interest’ (IROPI) economic, social, environmental, human health, public safety</li> <li>▪ Notify Welsh Government</li> <li>▪ Develop and secure compensatory measures</li> </ul>  |

0.7 Because the application being considered here is an outline planning application, Regulation 70(3) of the Habitats Regulations applies, i.e. ‘Where the assessment provisions apply, outline planning permission must not be granted unless the competent authority is satisfied (whether by reason of the conditions and limitations to which the outline planning permission is to be made subject, or otherwise) that no development likely adversely to affect

*the integrity of a European site or a European offshore marine site could be carried out under the permission, whether before or after obtaining approval of any reserved matters.'*

0.8 In simpler terms this means that, taking into account any planning conditions which may be attached to an outline planning consent, that consent can not permit any subsequent development which could adversely affect the integrity of the Severn Estuary EMS.

0.9 The check for likelihood of significant effects is an initial filter, and should be a relatively quick way of deciding whether the project would be likely to negatively affect the site in a significant way. The subsequent appropriate assessment stage would normally form the more in depth assessment. The term 'likelihood' is important. The test is a likelihood of effects rather than a certainty of effects. The check should only allow those projects to proceed where it is clear that any significant effect is unlikely. If there is doubt and further information is needed, it should be concluded that there is a likelihood of significant effects. In this context, and using the normal meaning of the words, "significant" effects are taken to be effects that are worthy of attention, noteworthy. A likely effect is one that is probable or well might happen. (Tyldesley, D. 2009).

0.10 In the Waddenzee case the ECJ ruled that a project should be subject to appropriate assessment **"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans and projects"**. This is an important ruling because it establishes that 'likely' should not be interpreted as 'probable' or 'more likely than not'. Rather an effect should be considered likely if it cannot be ruled out on the basis of objective information. (Tyldesley, D. 2009).

0.11 When undertaking an appropriate assessment, the competent authority should distinguish clearly between mitigation (avoidance and reduction) measures and compensatory measures. It should take account of the avoidance and reduction measures built into the project and forming part of the project as proposed or applied for (Tyldesley, D. 2009).

0.12 In considering whether it can ascertain whether the project would have an adverse effect on the integrity of the European site, the competent authority should consider whether the imposition of conditions, or other restrictions, on the project, and the way in which it would be carried out, would enable it to be ascertained that the project would not have an adverse effect on the integrity of the site. (Tyldesley, D. 2009).

0.13 The following definition of the integrity of a site has been adopted by the UK Government. The integrity of the site is *"the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified"*.

## **1.0 Stage 1**

### **1.1 Project Description (as set out in Design and Access Statement submitted in support of this application)**

1.1.1 The proposed development is to extend the time period of an existing planning consent granted under application 17/02130/MJR for a circa 9.5 MWe Combined Heat and Power station which will produce electricity and thermal energy via steam. The fuel source for the power station will be biomass which is a sustainable fuel and will be delivered either via the adjacent Cardiff Docks or sourced from established UK distributors or a combination of both. The details of the project itself are unchanged from that already granted.

1.1.2 The power station will be a cornerstone for the production of green energy and be the heart of a proposed 'green quarter' for Cardiff – supplying both electric and thermal energy for future developments.

1.1.3 In addition to the CHP, the proposed development also includes “high-bay” industrial accommodation, which will be mostly energized by the power station. The industrial units vary in size, 15,000 sq. ft. units on each corner and a terrace of four 25,000 sq. ft. units – all with full articulated lorry access. This would provide circa 12,000m<sup>2</sup> (~130,000 sq. ft.) of low to zero carbon industrial accommodation. The roof form of the industrial units have a saw tooth shape so to provide south facing angled roofs for long term photo-voltaic use and north facing roof lights. This together with the electric and thermal energy from the power station will ensure that the units will be low to zero carbon generation in accordance with the Welsh Government National Planning Policy.

1.1.4 The site sits within the heart of a historically heavily industrialized area of Cardiff. As such, any analysis must take into account the back drop of material remediation, recycling of metals and plastics and waste water remediation including an anaerobic digestion unit on three sides of the site. The fourth side comprises the Severn Estuary.

1.1.5 Access to the site will be from two positions. The main access point will be from Rover Way towards the north eastern boundary of the site. The secondary access point will be from Tide Fields Road to the south west.

1.1.6 Noise is a key factor within the immediate area as a result of the industrial processes carried out at the Celsa plant, most notably from the Melt Shop directly to the west of Parc Calon Gwyrdd. In order to reduce the impact of noise breakout from this site it is proposed to carefully reprofile the landscaped mounds around the new development, only broken by the location of the two access roads.

1.1.7 The existing footpath on the south of the site will be enhanced as it forms part of the Wales Coast Path. A landscape maintenance strategy will be provided to ensure that the path remains in good condition for walkers and seating and viewpoints provided to enhance the experience for all users.

## **1.2 Designated sites and their features**

### **1.2.1 Severn Estuary Special Area of Conservation (SAC)**

#### **SAC Habitat Features**

- Estuaries;
- Mudflats and sandflats not covered by seawater at low tide;
- Atlantic salt meadow (*Glauco-Puccinellietalia maritimae*).
- Sandbanks which are slightly covered by sea water all the time; and
- Reefs.

#### **SAC Species Features**

- Sea lamprey *Petromyzon marinus*;
- River lamprey *Lampetra fluviatilis*; and
- Twait shad *Alosa fallax*.

### **1.2.2 Severn Estuary Special Protection Area (SPA)**

The Severn Estuary SPA supports internationally important assemblages of wildfowl and waders during the winter months and migratory periods. These designations are based on:

- Internationally important populations of the Annex 1 species Bewick's Swan.
- Internationally important populations of regularly occurring migratory species (Gadwall, Shelduck, Redshank, Dunlin and European White-Fronted Goose).

The site also qualifies as an SPA since it regularly supports in excess of 60,000 waterfowl during the winter. The species listed on the SPA citation as forming part of the assemblage include Wigeon, Teal, Pintail, Pochard, Tufted Duck, Ringed Plover, Grey Plover, Curlew, Whimbrel and Spotted Redshank. Mallard, Lapwing and Shoveler have also been added as a result of the 1995 SPA review.

### **1.2.3 Severn Estuary Ramsar Site**

- Estuaries
- Assemblage of migratory fish species
- Bewick's swan
- European white-fronted goose
- Dunlin
- Redshank
- Shelduck
- Gadwall
- Assemblage of waterfowl

## **1.3 Conservation Objectives of the Relevant Designated Sites**



The Conservation Objectives of the Relevant Designated Sites are taken as set out in the following document:- Natural England & CCW (2009) *The Severn Estuary / Môr Hafren European Marine Site comprising: The Severn Estuary / Môr Hafren Special Area of Conservation (SAC), The Severn Estuary Special Protection Area (SPA), The Severn Estuary / Môr Hafren Ramsar Site. Natural England & the Countryside Council for Wales' advice given under Regulation 33(2)(a) of the Conservation (Natural Habitats, &c.) Regulations 1994, as amended. June 2009. These Conservation Objectives have not changed since the 2017 application, therefore the advice provided by NRW (then as CCW) under Regulation 33(2)(a), now known as Regulation 37(3)(a), has not changed.*

### 1.3.1 The Conservation Objectives of the Severn Estuary SAC are:-

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Further information on the Severn Estuary SAC can be found at :-

<http://www.jncc.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0013030>

### 1.3.2 The Conservation Objectives Severn Estuary SPA are:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Further information on the Severn Estuary SPA and Ramsar Site can be found at:-

<http://www.jncc.gov.uk/default.aspx?page=2066>.

The Conservation Objectives for the features of the Ramsar site are the same as those for the homologous features of the SAC and SPA.

Further information on the Severn Estuary Ramsar Site can be found at <http://www.jncc.gov.uk/pdf/RIS/UK11081.pdf>.

#### **1.4 Factors to which site features are sensitive**

1.4.1 With reference to the Conservation Objectives for the features of each site, the tables below list the factors to which each feature is sensitive for issues other than harm to birds. These tables are duplicated from those set out in 'Regulation 33' advice for these sites – see references below.

**Table 2 SAC Vulnerabilities**

| Sensitivity   |          | Exposure        |         | Vulnerability          |   |
|---|----------|-----------------|---------|------------------------|---|
| High sensitivity  | OOO<br>O | High Exposure   | x x x x | High vulnerability     | ⊗⊗⊗⊗<br>⊗⊗⊗O<br>⊗⊗⊗x                        |
| Moderate sensitivity  | OOO      | Medium Exposure | x x x   | Moderate vulnerability | ⊗⊗OO<br>⊗⊗x x<br>⊗⊗⊗                        |
| Low sensitivity   | OO       | Low Exposure    | x x     | Low vulnerability      | ⊗⊗O      ⊗xxx<br>⊗⊗x      ⊗xx<br>⊗⊗      ⊗x |
| No detectable sensitivity   | O        | No exposure     | x       | No vulnerability       | ⊗O  |
| ?S =insufficient information on sensitivity; ✓ = migratory fish considered to be sensitive, but insufficient information to assess level of sensitivity |          |                 |         |                        | Unknown vulnerability                       |

| Categories of operations which may cause deterioration or disturbance <sup>25</sup> | Annex I features   |                    |                      |                     |              | Annex II species   |
|---|--------------------|--------------------|----------------------|---------------------|--------------|--------------------|
|   | Estuaries          | Subtidal Sandbanks | Mudflats & sandflats | Atlantic saltmeadow | Reefs        | Fish <sup>26</sup> |
| <b>Physical loss</b>  |                    |                    |                      |                     |              |                    |
| Removal / substratum loss   | ⊗⊗⊗⊗               | ⊗⊗⊗                | ⊗⊗⊗⊗                 | ⊗⊗⊗⊗                | ⊗⊗O          | ⊗x                 |
| Smothering  | ⊗⊗⊗O               | ⊗⊗x                | ⊗⊗⊗                  | ⊗⊗⊗O                | ⊗⊗           | ⊗x                 |
| <b>Physical damage</b>  |                    |                    |                      |                     |              |                    |
| Changes in suspended sediment   | ⊗⊗⊗                | ⊗⊗⊗                | ⊗⊗⊗                  | ⊗⊗⊗                 | ⊗⊗⊗          | ⊗x                 |
| Desiccation & changes in emergence regime   | ⊗⊗O                | ⊗O                 | ⊗⊗O                  | ⊗⊗OO                | ⊗O           | ✓xx                |
| Changes in water flow rate  | ⊗⊗⊗x               | ⊗⊗O                | ⊗⊗⊗x                 | ⊗⊗⊗x                | ⊗⊗O          | ✓xx                |
| Changes in wave exposure  | ⊗⊗⊗⊗               | ⊗⊗O                | ⊗⊗⊗⊗                 | ⊗⊗⊗⊗                | ⊗⊗O          | ⊗x                 |
| Abrasion / physical disturbance (of habitats)                                       | ⊗⊗⊗x               | ⊗⊗x                | ⊗⊗⊗x                 | ⊗⊗⊗x                | ⊗⊗O          | ✓xx                |
| Changes in grazing management   | ⊗⊗                 | Not relevant       | Not relevant         | ⊗⊗⊗⊗                | Not relevant | Not relevant       |
| <b>Non-physical disturbance</b>   |                    |                    |                      |                     |              |                    |
| Noise & visual presence   | ⊗xx                | ⊗xx                | ⊗⊗x                  | ⊗xxx                | ⊗x           | ✓xxx               |
| <b>Toxic contamination</b>  |                    |                    |                      |                     |              |                    |
| Introduction of synthetic compounds   | ⊗⊗⊗x               | ⊗⊗⊗x               | ⊗⊗⊗⊗                 | ⊗⊗⊗x                | ⊗⊗xx         | ✓xxxx              |
| Introduction of non-synthetic compounds   | ⊗⊗⊗x               | ⊗⊗⊗x               | ⊗⊗⊗⊗                 | ⊗⊗⊗⊗                | ?Sxxxx       | ✓xxxx              |
| Introduction of radionuclides   | ?Sxx               | ?Sxx               | ?Sxx                 | ?Sxx                | ?Sxx         | ✓xx                |
| <b>Non-toxic contamination<sup>27</sup></b>   |                    |                    |                      |                     |              |                    |
| Changes in nutrient loading   | ⊗⊗⊗⊗ <sup>28</sup> | ⊗⊗xx               | ⊗⊗⊗x                 | ⊗⊗⊗x                | ⊗⊗xx         | ✓xxxx              |
| Changes in thermal regime   | ⊗⊗⊗                | ⊗⊗                 | ⊗⊗⊗                  | ⊗⊗                  | ⊗⊗           | ✓xxxx              |
| Changes in turbidity <sup>29</sup> (light penetration)                              | ⊗⊗x                | ⊗⊗x                | ⊗⊗x                  | ⊗x                  | ⊗xx          | ✓xxx               |
| Changes in salinity   | ⊗⊗⊗x               | ⊗⊗⊗x               | ⊗⊗⊗x                 | ⊗⊗⊗x                | ⊗⊗xx         | ✓xxxx              |
| Changes in oxygenation  | ⊗⊗⊗x               | ⊗⊗xx               | ⊗⊗⊗x                 | ⊗⊗xx                | ⊗⊗xx         | ✓xxxx              |
| <b>Biological disturbance</b>   |                    |                    |                      |                     |              |                    |
| Introduction of microbial pathogens   | ⊗⊗⊗⊗               | ⊗⊗⊗⊗               | ⊗⊗⊗⊗                 | ⊗⊗xx                | ?Sxxxx       | ✓xxxx              |
| Introduction of non-native species  | ⊗⊗⊗O               | ⊗⊗O                | ⊗⊗OO                 | ⊗⊗                  | ?Sxx         | ✓xx                |
| Selective extraction of species   | ⊗⊗⊗x               | ⊗⊗                 | ⊗⊗                   | ⊗⊗                  | ⊗⊗           | ✓xx                |

<sup>25</sup> For a further explanation of each category see <http://www.marlin.ac.uk/sah/baskitemplate.php?benchmarks>

<sup>26</sup> River lamprey, sea lamprey & twaite shad

<sup>27</sup> All elements of non toxic contamination are interrelated and also link closely with changes in suspended sediment (physical damage)

<sup>28</sup> The high natural turbidity of the estuary negates these high levels with algal productivity being generally low – the estuary feature is therefore not considered vulnerable – see section 5.6.1.3.(viii)

<sup>29</sup> Turbidity here incorporates light penetration; suspended sediment under ‘changes in suspended sediment’ and its deposition under ‘smothering’

**Table 3 SPA Vulnerabilities**

| Sensitivity                                  |      | Exposure        |         | Vulnerability          |                                       |
|--|------|-----------------|---------|------------------------|---------------------------------------|
| High sensitivity                             | OOOO | High Exposure   | x x x x | High vulnerability     | ⊗⊗⊗⊗<br>⊗⊗⊗O<br>⊗⊗⊗x                  |
| Moderate sensitivity                         | OOO  | Medium Exposure | x x x   | Moderate vulnerability | ⊗⊗OO<br>⊗⊗x x<br>⊗⊗⊗                  |
| Low sensitivity                              | OO   | Low Exposure    | x x     | Low vulnerability      | ⊗⊗O    ⊗xxx<br>⊗⊗x    ⊗xx<br>⊗⊗    ⊗x |
| No detectable sensitivity                    | O    | No exposure     | x       | No vulnerability       | ⊗O                                    |
| ?S = Insufficient information on sensitivity |      |                 |         | Unknown vulnerability  |                                       |

| Categories of operations which may cause deterioration or disturbance | Internationally important populations of regularly occurring Annex 1 species |           | Internationally important migratory species and waterfowl assemblage |           |                 |
|---|--|-----------|--|-----------|-----------------|
|   | Intertidal mudflats and sandflats  | Saltmarsh | Intertidal mudflats and sandflats                                    | Saltmarsh | Hard substrates |
| <b>Physical Loss</b>  |  |           |  |           |                 |
| Removal/substratum loss   | ⊗⊗⊗⊗   | ⊗⊗⊗⊗      | ⊗⊗⊗⊗   | ⊗⊗⊗⊗      | ⊗⊗⊗⊗            |
| Smothering  | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗             |
| <b>Physical Damage</b>  |  |           |  |           |                 |
| Changes in suspended sediment   | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗             |
| Desiccation and changes in emergence regime                           | ⊗⊗O  | ⊗⊗OO      | ⊗⊗O  | ⊗⊗OO      | ⊗⊗O             |
| Changes in water flow   | ⊗⊗⊗x   | ⊗⊗⊗x      | ⊗⊗⊗x   | ⊗⊗⊗x      | ⊗⊗⊗x            |
| Changes in wave exposure  | ⊗⊗⊗⊗   | ⊗⊗⊗⊗      | ⊗⊗⊗⊗   | ⊗⊗⊗⊗      | ⊗⊗⊗⊗            |
| Abrasion / physical disturbance (of habitats)                         | ⊗⊗   | ⊗⊗O       | ⊗⊗⊗⊗   | ⊗⊗⊗x      | ⊗⊗⊗x            |
| Grazing management  | Not relevant   | ⊗⊗⊗⊗      | Not relevant   | ⊗⊗⊗⊗      | Not relevant    |
| <b>Non-physical disturbance</b>                                       |  |           |  |           |                 |
| Noise & visual presence   | ⊗⊗OO   | ⊗⊗⊗O      | ⊗⊗⊗O   | ⊗⊗⊗⊗      | ⊗⊗⊗O            |
| <b>Toxic contamination</b>  |  |           |  |           |                 |
| Introduction of synthetic compounds                                   | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗⊗   | ⊗⊗⊗x      | ⊗⊗⊗x            |
| Introduction of non-synthetic compounds                               | ⊗⊗⊗  | ⊗⊗⊗       | ⊗⊗⊗⊗   | ⊗⊗⊗⊗      | ⊗⊗⊗x            |
| Introduction of radionuclides   | ?Sxx   | ?Sxx      | ?Sxx   | ?Sxx      | ?Sxx            |
| <b>Non-toxic contamination</b>  |  |           |  |           |                 |
| Changes in nutrient loading   | ⊗xxx   | ⊗⊗⊗x      | ⊗⊗⊗x   | ⊗⊗⊗x      | ⊗⊗xx            |
| Changes in thermal regime   | ⊗x   | ⊗⊗        | ⊗⊗⊗  | ⊗⊗        | ⊗⊗              |
| Changes in turbidity (light penetration)                              | ⊗xx  | ⊗x        | ⊗⊗x  | ⊗x        | ⊗⊗x             |
| Changes in salinity   | ⊗xxx   | ⊗⊗⊗x      | ⊗⊗xx   | ⊗⊗⊗x      | ⊗⊗xx            |
| Changes in oxygenation  | ⊗xxx   | ⊗⊗xx      | ⊗⊗xx   | ⊗⊗xx      | ⊗⊗xx            |
| <b>Biological disturbance</b>   |  |           |  |           |                 |
| Introduction of microbial pathogens                                   | ⊗⊗xx   | ⊗⊗xx      | ⊗⊗⊗⊗   | ⊗⊗xx      | ⊗⊗⊗⊗            |
| Introduction of non-native species                                    | ⊗x   | ⊗⊗        | ⊗⊗OO   | ⊗⊗        | ⊗⊗OO            |
| Selective extraction of species                                       | ⊗⊗O  | ⊗⊗O       | ⊗⊗⊗  | ⊗⊗⊗       | ⊗xx             |

**Table 4 Ramsar Vulnerabilities (as related to tables 1 & 2 above, and referring to sections and tables in Reg 33 advice (ref 12.1)).**

| Ramsar interest features  | Relevant SAC and SPA features and supporting habitats  | Reference section for advice on operations relevant to the Ramsar features           |
|---|--|--|
| <i>Ramsar Interest feature 1 : Estuaries</i>  | SAC: Annex I habitats<br>Estuaries<br>Intertidal mudflats and sandflats<br>Atlantic Salt Meadows   | Section 5.6.1 & Table 22<br>Section 5.6.3 & Table 22<br>Section 5.6.4 & Table 22     |
| <i>Ramsar Interest feature 2 : Migratory fish assemblage</i>  | SAC : Annex II species<br>River lamprey <i>Lampetra fluviatilis</i> ;<br>Sea lamprey <i>Petromyzon marinus</i> ;<br>Twaite shad <i>Alosa fallax</i>  | Section 5.6.6 & Table 22<br>Section 5.6.6 & Table 22<br>Section 5.6.6 & Table 22     |
| <b>Internationally important populations of waterfowl</b>   |  |  |
| <i>Ramsar Interest feature 3: Bewick's swan</i>   | SPA : Internationally important populations of regularly occurring Annex 1 species (Bewick's swan)   | Section 5.7.1 & Table 23   |
| <i>Ramsar Interest feature 4: European white-fronted goose</i><br><i>Ramsar Interest feature 5: Dunlin</i><br><i>Ramsar Interest feature 6: Redshank</i><br><i>Ramsar Interest feature 7: Shelduck</i><br><i>Ramsar Interest feature 8: Gadwall</i> | SPA: Internationally important populations of regularly occurring migratory species (same species as column to left)<br><br>Supporting habitats<br>Intertidal mudflats and sandflats<br>Saltmarsh<br>Hard substrates | Section 5.7.2 & Table 23<br><br>Section 5.6.3 & Table 22<br>Section 5.6.4 & Table 22 |
| <i>Ramsar Interest feature 9</i><br><b>Internationally important assemblage of waterfowl</b>  | SPA: Internationally important assemblage of waterfowl<br><br>Supporting habitats<br>Intertidal mudflats and sandflats<br>Saltmarsh<br>Hard substrates   | Section 5.7.2 & Table 23<br><br>Section 5.6.3 & Table 22<br>Section 5.6.4 & Table 22 |

#### 1.4.2 Potential Impacts Arising From Project

1.4.2.1 The proposed development site is between 5 and 200 metres to the northwest of the foreshore of the Severn Estuary, which at this point is designated as a Site of Special Scientific Interest (SSSI), as a Special Area of Conservation (SAC), is classified as a Special Protection Area (SPA), and listed as a Ramsar site.

1.4.2.2 However, the proposed development will not encroach upon the Severn Estuary EMS, so there is no potential for effects due to land take or immediate physical disturbance of habitats. Nonetheless, mindful of the vulnerabilities in Section 4 above, there is potential for the proposed development to have the following impacts:

- Disturbance to bird features arising from removal of overburden, construction activities and from operation of the development;

- Site drainage and release of any existing land contamination causing pollution of the Severn Estuary EMS during removal of overburden, construction and operation of the development ;
- Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development.
- Dust arising from removal of overburden and construction causing contamination and smothering of Severn Estuary EMS habitats
- Increased disturbance to birds caused by use of a temporarily re-aligned Wales Coastal Path at this site

1.4.2.3 These impacts correlate with the categories of operations which may cause deterioration or disturbance as set out in tables 2 to 4 above, as follows:-

| <b>Table 5.<br/>Comparison of likely impacts of the project with categories of operations which may cause deterioration or disturbance</b> |   | Impacts arising from proposed development as set out in Tables 2 to 4 above |   |  |                                   |                             |  |
|--|---|---|---|--|-----------------------------------|-----------------------------|--|
|  |   | Disturbance to birds during works   | Disturbance to birds due to changes in coastal path | Mobilisation of existing contaminants during works | Aerial emissions during operation | Dust emissions during works | Surface and foul water drainage during operation |
| Categories of operations which may cause deterioration or disturbance  | Smothering                              | X   | X   | ✓  | ✓                                 | ✓                           | ✓  |
|  | Noise & Visual presence                 | ✓   | ✓   | X  | X                                 | X                           | X  |
|  | Introduction of synthetic compounds     | X   | X   | ✓  | X                                 | X                           | ✓  |
|  | Introduction of non-synthetic compounds | X   | X   | ✓  | X                                 | X                           | ✓  |
|  | Changes in nutrient loading             | X   | X   | X  | ✓                                 | ✓                           | ✓  |

1.4.2.4 Tables 2 to 4 above also set out the levels of sensitivity of each of the features of the designations to the categories of operations which may cause deterioration or disturbance. These are summarised in Table 6 below. These levels of sensitivity will be used to assess the likelihood of any significant effect and subsequently and any adverse effect upon the integrity of the Severn Estuary EMS.

**Table 6. Levels of sensitivity of Severn Estuary EMS features to identified pathways for adverse effect.**

| Receptors – Severn Estuary EMS Features                    |                                 | Pathway for adverse effect                                |   |             |          |                  |          |                       |                             |          |                       |
|--|---------------------------------|---|---|-------------|----------|------------------|----------|-----------------------|-----------------------------|----------|-----------------------|
|  |                                 | Mobilisation of existing ground/groundwater contaminants  |   | Disturbance |          | Smothering       |          |                       | Changes in nutrient loading |          |                       |
|  |                                 | Toxic Contamination – Introduction of Synthetic Compounds | Toxic Contamination – Introduction of Non-synthetic Compounds | Noise       | Visual   | Aerial Emissions | Dust     | Surface water run-off | Aerial Emissions            | Dust     | Surface water run-off |
| SAC Annex I Habitats                                       | Estuaries                       | High  | High  | Low         | Low      | High             | High     | High                  | Low                         | Low      | Low                   |
|  | Subtidal Sandbanks              | High  | High  | Low         | Low      | Low              | Low      | Low                   | Moderate                    | Moderate | Moderate              |
|  | Mudflats & sandflats            | High  | High  | Low         | Low      | Moderate         | Moderate | Moderate              | High                        | High     | High                  |
|  | Atlantic Salt-meadow            | High  | High  | Low         | Low      | High             | High     | High                  | High                        | High     | High                  |
|  | Reefs                           | Moderate  | Unknown   | Low         | Low      | Low              | Low      | Low                   | Moderate                    | Moderate | Moderate              |
| SAC Annex II Species                                       | Fish                            | Unknown   | Unknown   | Unknown     | Unknown  | Low              | Low      | Low                   | Unknown                     | Unknown  | Unknown               |
| Habitats of SPA Annex I species                            | Intertidal mudflats & sandflats | Moderate  | Moderate  | Moderate    | Moderate | Moderate         | Moderate | Moderate              | Low                         | Low      | Low                   |
|  | Saltmarsh                       | Moderate  | Moderate  | High        | High     | Moderate         | Moderate | Moderate              | High                        | High     | High                  |
| Habitats of SPA migratory species and waterfowl assemblage | Intertidal mudflats & sandflats | High  | High  | High        | High     | Moderate         | Moderate | Moderate              | High                        | High     | High                  |
|  | Saltmarsh                       | High  | High  | High        | High     | Moderate         | Moderate | Moderate              | High                        | High     | High                  |
|  | Hard substrates                 | High  | High  | High        | High     | Moderate         | Moderate | Moderate              | Moderate                    | Moderate | Moderate              |

1.4.2.5 The potential impacts from section 1.4.2.2 above are considered in turn, as part of the test of likely significant effect, in the following section.

### **1.4.3 Disturbance to birds during works**

1.4.3.1 There is potential for removal of overburden and construction activities to cause visual and noise disturbance to overwintering and migratory wetland birds which are features of the SPA, as set out in Table 6 above. For example, use of cranes, together with noisy activities such as drilling, piling and operation of machinery, could disturb wetland birds while they are roosting or foraging on nearby foreshore habitats.

1.4.3.2 Table 6 illustrates that most of the Severn Estuary EMS features are either highly or moderately sensitive to this type of disturbance.

1.4.3.3 As a general rule, a distance of 200m between the receptor (i.e. the birds) and the activity (i.e. construction) is taken as the maximum distance over which the activity can affect the receptor. The entirety of the proposed project is within 200m of mean high water, and therefore potentially all construction or spoil removal works at this site may cause disturbance to wetland birds on the foreshore.

1.4.3.4 The ES, for example at sections 8.5.7, 8.5.8 and 8.5.9, makes reference to the construction of a bund to shield birds using the foreshore habitats from disturbance during removal of the overburden and construction of buildings. The ES also makes reference to undertaking works during the summer months when overwintering and migratory SPA-feature birds are in low numbers. These are valid suggestions for avoidance and mitigation of impacts, however I do not see that they are integral to or guaranteed by the project, as submitted, in sufficient detail so as to assure me that they will completely remove any possibility of a significant effect.

1.4.3.5 For example, as set out in section B.2.7.b) of Tyldesley 2009, counteracting measures:-

*'...must be an integral part of the project, as proposed, so it is concluded that the project as a whole, including its mitigation measures, is unlikely to have an effect on the site. Possible or potential additional measures, such as conditions that might be applied later on, cannot be relied upon at this stage to determine that significant effects are not likely.'*

1.4.3.6 Therefore it cannot be excluded, on the basis of the information provided thus far, that the project is likely to have a significant effect upon the Severn Estuary EMS, so an appropriate assessment of this factor is needed.

### **1.4.4 Disturbance to birds due to changes in coastal path**

1.4.4.1 I am advised by my colleague in our Highways department (Jenn Griffiths email dated 22/01/18), that there is no expected increase in footfall in relation to the proposed biomass plant development. However, any measures which could be implemented as part of this proposed development which would discourage coastal path users from accessing the foreshore, would be welcomed. Those measures should be seen in the context of a wider predicted increase in coast path use in this area due to improvements elsewhere, and any such increase should be considered in the light of the HRA of the Wales Coast Path as a whole, conducted by NRW.



1.4.4.2 Therefore the proposed development is not likely to have a significant effect upon the Severn Estuary EMS via the medium of increased footfall along the coastal path at this point, so an appropriate assessment does not need to consider this factor.

#### **1.4.5 Contamination of habitats caused by mobilisation of existing ground contaminants during works**

1.4.5.1 The site for this proposed development is on the former 'Frag Tip', a historical landfill which has been identified by Pollution Control as a site with potential significant contamination and ground gas issues present. Therefore, during groundworks, soil contaminants may be disturbed and mobilised into groundwater, which may in turn migrate horizontally into surface waters. These contaminants could potentially harm Severn Estuary EMS habitats.

1.4.5.2 Table 6 illustrates that most of the Severn Estuary EMS features are either highly or moderately sensitive to all of these potential pathways.

1.4.5.3 I note the statement in section 8.5.11 of the ES that:- *'There is potential for an increase in contamination of the estuary habitats during re-working and removal of the tipped slag and other waste material'*. However, I also note from comment provided by Jason Bale on 22<sup>nd</sup> January 2018 that *'The report provides very little detail on how the works will be undertaken, and what mitigation measures will be implemented, only that such measures will be detailed in the (CEMP)'*. The same communication also indicates that further details remain to be provided, and also that *'...there are no details on appropriate mitigation measures to (sic) that the identified receptors are not adversely impacted from this element of the works'*. Those receptors include the sensitive habitats of the Severn Estuary EMS.

1.4.5.4 Some mitigation measures are proposed, and these are valid suggestions for avoidance and mitigation of impacts, however I do not see that they are integral to or guaranteed by the project, as submitted, in sufficient detail (as confirmed by Jason Bale as above) so as to assure me that they will completely remove any possibility of a significant effect.

1.4.5.5 It should be noted that the liner protecting the underlying 'frag' has already been compromised by coastal erosion and by the deposition of the overburden. Therefore any existing contaminants are already leaching out into the Severn Estuary EMS and nearby habitats, and any new mobilisation of existing contaminants should be seen in the context of this existing leaching. Equally, construction of a bund may serve to stop the existing leaching, but no details of the bund or of its detailed impact upon existing leaching are provided.

1.4.5.5 Therefore it cannot be excluded, on the basis of the information provided thus far, that the project is likely to have a significant effect upon the Severn Estuary EMS, so an appropriate assessment of this factor is needed.

#### **1.4.6 Dust during works**

1.4.6.1 As set out in section 8.5.11 of the ES, *'There is potential for an increase in contamination of the Severn Estuary habitats during re-working and removal of the tipped slag and other waste material. This could occur as contaminants are mobilised...as wind-blown dust'*.

1.4.6.2 Furthermore, Section 1.4 of the Construction Phase Impact Assessment October 2017 states that the dust emission class for earthworks at this site is considered to be 'large'. It further states in section 1.5 that dust will arise from piling of foundations, vehicles travelling over unpaved ground, and from the cutting of concrete.

1.4.6.3 Table 6 illustrates that most of the Severn Estuary EMS features are either highly or moderately sensitive to the impact of dust deposition.

1.4.6.4 Some mitigation measures are proposed, for example in sections 2.3 and 2.4 of the Construction Phase Impact Assessment, sections 9.6.2 to 9.6.4 of Chapter 9 – Air Quality - of the ES, and sections 7.6.6 to 7.6.8 of the ES Chapter 7 Geotechnical Conditions & Contaminated Land. These are valid suggestions for avoidance and mitigation of impacts, however I do not see that they are integral to or guaranteed by the project, as submitted, in sufficient detail (as confirmed by Jason Bale as above) so as to assure me that they will completely remove any possibility of a significant effect.

1.4.6.5 Therefore it cannot be excluded, on the basis of the information provided thus far, that the project is likely to have a significant effect upon the Severn Estuary EMS, so an appropriate assessment of this factor is needed.

#### **1.4.7 Aerial emissions during operation**

1.4.7.1 The proposed development is for a circa 9.5 MWe Combined Heat and Power station which will produce electricity and thermal energy via steam. However the exact nature and quantities of aerial emissions will not be determined until a later stage in the planning process.

1.4.7.2 With reference to Table 6 above, deposition of aerial emissions of particulates and NO<sub>x</sub> have the potential to affect the features of the Severn Estuary EMS. I note from the consultation response provided by Craig Lewis of Shared Regulatory Services on 12<sup>th</sup> January 2018 that he considers the air quality impacts on the Severn Estuary EMS to be significant. Mr Lewis also notes that mitigation technologies and measures to reduce NO<sub>x</sub> and particulates emissions have yet to be finalised.

1.4.7.3 Therefore it cannot be excluded, on the basis of the information provided thus far, that the project is likely to have a significant effect upon the Severn Estuary EMS so an appropriate assessment of this factor is needed.

#### **1.4.8 Surface and foul water drainage during operation**

1.4.8.1 It is noted that foul water arising from an operational development will be discharged via the Public Combined Sewer and treated accordingly. Therefore the proposed development is not likely to have a significant effect upon the Severn Estuary EMS via the medium of foul water emission, so an appropriate assessment does not need to consider this factor.

1.4.8.2 Surface water run-off may lead to contamination, smothering and nutrient enrichment of habitats, so in accordance with Tables 2 to 4 above there is a potential pathway to impact upon the Severn Estuary EMS features.

1.4.8.3 The Surface/Foul Water Drainage Strategy August 2017 identifies the method to dispose of surface water is to drain to the nearby sea, however drawing reference A(P)-02 shows two infiltration ponds which are presumably intended to intercept surface water run-off.

1.4.8.4 Therefore, while there remains uncertainty as to how surface water run-off will be treated, it cannot be excluded, on the basis of the information provided thus far, that the project is likely to have a significant effect upon the Severn Estuary EMS so an appropriate assessment of this factor is needed.

## **1.5 Other plans and programmes that could contribute to in combination effects**

### **Waste Water Treatment Works Anaerobic Digestion Facility**

1.5.1 Applications 13/00686 and 15/00591 propose a small-scale (2MW) anaerobic digestion facility at the Waste Water Treatment Works (WWTW) immediately (200m) to the south west of the Frag Tip. These applications were subject to a HRA, with the following outcomes:-

**1.5.2 Atmospheric Pollution** - Aerial emissions of NO<sub>x</sub>, SO<sub>x</sub> and particulates have the potential to affect habitats which are features of the Severn Estuary EMS, such as Saltmarsh and Coastal Grazing Marsh. However, the effects modelling within the Local Air Quality Impact Assessment indicate that Predicted Environmental Concentrations are within the critical levels for these habitats.

**1.5.3 Water-borne pollution and mobilisation of existing ground contaminants** - Given the distance between the proposal site and the Severn Estuary (about 350m), and the intervening land use (waste-water treatment tanks) it is unlikely that water-borne pollutants and mobilised existing ground contaminants will migrate laterally to the Severn Estuary EMS.

1.5.4 In addition, in their response of 12 May 2015, NRW have indicated that provided the development is carried out as stated in the application and supporting documents, they are of the opinion that the proposal would not be likely to have a significant effect on the Severn Estuary EMS. On this basis it can be assumed that there is not likely to be a significant effect upon the Ramsar site as well.

1.5.5 Therefore, given that the present application for a biomass plant has been identified as being likely to have a significant effect on the Severn Estuary EMS, but the WWTW anaerobic digester has not, the scale of potential contribution of the latter project to the overall atmospheric and waterborne pollution in this area is likely to be minor. However, even a minor addition to an already likely significant effect still results in a small overall increase in LSE, so the appropriate assessment of the present application should consider the in-combination effects of these projects.

#### **Replacement Chimneys to Existing Boiler Room at Unit 68 Portmanmoor Rd Ind. Est.**

1.5.6 This proposal (20/01626/MNR) entails replacement of existing chimneys to the existing boiler room at Princes Ltd facility Portmanmoor Road Cardiff, thereby extending their height from 12m to 20m. An Air Dispersion Modelling Report has been produced, and this will be used to inform a HRA for this application. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application.

#### **Mor Hafren Bio Power Energy Recovery Facility Newlands Road**

1.5.7 This proposal is a Development of National Significance and as such will be determined by the Planning Inspectorate in Wales. A Local Impact Report will be produced by Cardiff Council and the reference number 19/02588/MJR has been allocated to this, and a HRA has been produced for this application. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application.

#### **Uskmouth Power Station**

1.5.8 An application to Newport Council (Ref 20/0748) has been submitted for the erection of silos and de-dusting building, extension to rail unloading facility, new above ground conveyors and ancillary development. The zone of influence of this proposal could impact upon habitat which could be affected by the current Rover Way proposal. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application

1.5.9 Further projects are proposed in Cardiff which may in time be identified as needing a HRA, however at the time of undertaking the present HRA, these projects are not the subject of a pre-application so there are not sufficient details available to determine whether there is likely to be a significant effect on the Severn Estuary EMS in combination with the present 20/01279 application for amended timescales.

1.5.10 These developments include the Cardiff Parkway / Hendre Lakes project, and potential employment development at Longcross Farm. In both cases, a HRW is likely to require in-combination consideration with the present 20/01279 application for amended timescales, but sufficient details of these proposals have not been submitted to Cardiff Council as yet which would allow in combination consideration within the present HRA.

## **Installation of Asphalt Batching Plant at Rover Way**

1.5.11 The application relates to the installation of an Asphalt Batching Plant with associated infrastructure and works. The proposed Asphalt Batching Plant and associated materials storage area will be in keeping with the existing use of the Celsa Steel site and its designation within the Cardiff Local Development Plan (allocation EC1.3).

1.5.12 An Air Quality Chapter of the Environmental Statement (Chapter 9) has been produced, and this will be used to inform a HRA for this application. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application.

## **Celsa Steelworks Reheat Furnace**

1.5.13 Celsa Manufacturing (UK) Ltd submitted a full planning application for the construction of a new extension (Class B2) to house a new Reheat Furnace and associated works including a new 60m-high Furnace Stack, Water Treatment Plant, Electrical Control Building; Retention of existing Pump House and Demolition of existing Diesel-fuel storage tank.

1.5.14 The application site is situated immediately west of Rover Way but forms part of the wider Tremorfa complex, which is accessed via Seawall Road further to the north. The proposals include the demolition of an existing structure to accommodate a new extension to house a new reheat furnace will form part of the larger melt shop complex. The proposals will not result in any changes to the manufacturing process but will instead ensure the process is able to operate at a greater efficiency and have the potential for greater capacity.

1.5.15 An Air Quality Assessment dated October 2019 has been produced, therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application.

## **1.6 Summary of Test of Likely Significant Effect ('Significance Test')**

1.6.1 The first step in considering a plan or project in accordance with Article 6.3 of the Habitats Directive is to determine whether it was likely to have a significant effect on a SAC or SPA (or Ramsar site). This is a coarse filter intended to identify those plans/projects which require further assessment of their implications and those where significant effects can be ruled out without further assessment. According to ECJ case law, this test should be applied in a precautionary way, such that a plan/project should be considered likely to have a significant effect if it cannot be excluded, on the basis of objective information, that it will have a significant effect. A significant effect is one likely to undermine a site's conservation objectives.

1.6.2 In considering this test, account is taken of any proposed mitigation measures which are integral to and guaranteed by the project, and which would counteract the potential

effects described in Section 1.4 above. A summary of the results of the test of likely significance is set out in Table 7 below.

| <b>Table 7 – Summary of Test of Likely Significance</b>   |                                  |
|---|----------------------------------|
| Factor  | Likely Significant Effect?       |
| Disturbance to bird features arising from construction activities and from operation of the development;                      | Yes                              |
| Site drainage and release of any existing land contamination causing pollution of the Severn Estuary EMS during construction; | Yes                              |
| Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development.                             | Yes                              |
| Dust arising from construction causing contamination and smothering of Severn Estuary EMS habitats                            | Yes                              |
| Increased disturbance to birds caused by use of a temporarily re-aligned Wales Coastal Path at this site                      | No                               |
| Surface and foul water drainage during operation  | Yes (surface water run-off only) |

1.6.3 Where it is identified in Table 7 above that a factor is likely to have a significant effect upon features of the Severn Estuary EMS, then an Appropriate Assessment and test of adverse effect on integrity is required, and this is set out in section 2 below.

1.6.4 In addition, as set out in section 1.5 above, the impacts of several projects will need to be considered in combination with the present project in the appropriate assessment.

## **2. Appropriate Assessment**

### **2.1 Agree scope and method of AA with NRW**

2.1.1 NRW provided comprehensive comments on this application on 14<sup>th</sup> December 2017, and their recommendations for the scope of the HRA are as follows:-

- Disturbance to bird features arising from construction activities and from operation of the development;
- Site drainage and release of any existing land contamination causing pollution of the Severn Estuary EMS during construction;
- Site drainage causing pollution of the Severn Estuary EMS during operation of the development; and
- Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development.

Further advice in respect of in-combination assessments was provided verbally on 30<sup>th</sup> November 2020.

2.1.2 These are broadly the same as those identified in section 1.4.2.2 above. In the same correspondence, NRW offered advice on the methodology of the HRA, and this offer was taken up in a series of telephone calls between the County Ecologist for Cardiff and NRW conservation officers.

2.1.3 As the project has not changed, nor has the Regulation 33 advice as set out above, we are entitled to rely upon this advice for the 20/01279 application for amended timescales. IN NRW's further advice of 16/10/20, NRW advised that Cardiff Council should consider whether there has been a change in the baseline environmental conditions which would lead to a change in likely significant effect or adverse effect upon integrity.

2.1.4 The original HRA was not based upon novel ecological survey work to establish an ecological baseline, but was instead based upon the factors arising from the proposed scheme and the effects they could have upon the conservation objectives of the EMS, together with an assumption of the presence of species and habitats. As none of these have changed, then it is natural that the conclusion of the HRA of the project when considered alone should not change.

2.1.5 Similarly, officers advising on contaminated land and transport impacts have not raised new concerns which were not raised at the time of the original 17/02130 application.

## **2.2 Consideration of how the project, in combination with other projects, will interact when implemented, taking into account inherent avoidance and mitigation measures (the Appropriate Assessment)**

2.2.1 The purpose of this stage of the HRA is to undertake an appropriate assessment of the proposed project in relation to the conservation objectives of the Severn Estuary SAC, SPA and Ramsar sites. Subsequently this assessment, in combination with any conditions or restrictions which may be applied to any planning consent granted, will be used to determine whether the project will have an adverse effect on the integrity of those designated sites. The factors arising from the test of likely significance above, are considered in turn below.

## **2.3 Disturbance - Noise/visual disturbance of overwintering and migratory bird features of the SPA during removal of the overburden and construction of the Biomass Plant and associated infrastructure**

2.3.1 There is potential for construction activities to cause visual and noise disturbance to overwintering and migratory wetland birds which are features of the SPA, as set out in Table 6 above. For example, use of cranes, or personnel working at height on scaffolding etc, together with noisy activities such as drilling, piling and operation of machinery, could disturb bird features while they are roosting or foraging on nearby foreshore habitats. Overwintering birds are disturbed by sudden movements and sudden noises. This can displace the birds from their feeding grounds. Disturbance can prevent the birds from feeding and in response they either a) decrease their energy intake at their present (disturbed) feeding site through displacement activity, or b) move to an alternative less favoured feeding site. Such a response affects energy budgets and thus survival. There is intermittent disturbance from both the

landward and seaward side of the site. Bewick's swans are mainly affected by disturbance from the landward side and any increase in disturbance should be avoided. At present NE and NRW assess that the Annex 1 species are moderately sensitive to noise and visual disturbance on the intertidal mudflats and sandflats and highly sensitive to this category of operation on the saltmarsh.

2.3.2 It is acknowledged in the ES that there is a risk of disturbance of overwintering and migratory estuary birds by construction noise and vibration while the work is undertaken. Visual disturbance due to the presence of people and machinery is also possible. The construction of the coastal bund is proposed during the summer months, at a time of year when relatively few birds use the estuary, and the physical presence of the bund would reduce the potential for disturbance of the estuary once it is completed. It is also suggested that it is likely that birds feeding out on the mudflats in front of the tip would quickly become habituated to construction noise behind the coastal bund.

2.3.3 However, beyond this information, no details of the timing of works or of construction of the coastal bund are available at this time, as the present application is for outline consent.

#### **2.3.4 Integrity Test: Disturbance - Noise/visual disturbance of overwintering and migratory bird features of the SPA during construction of the biomass plant and associated infrastructure**

2.3.5 In principle, it is possible to avoid disturbance to birds during construction. For example, overwintering and migratory bird species are at their greatest concentration in the Severn Estuary between October and March inclusive. Therefore construction during the April to September period (inclusive) would not cause significant disturbance. However, it is recognised that it may not be feasible to restrict works to this period.

2.3.6 During the overwintering / migratory period, it is possible to avoid disturbance to birds on the foreshore by avoiding works activity during the period between two hours before high tide and two hours after high tide. It is during this four hour window that SPA-feature birds are most likely to occur within 200m of the construction activity. This is the distance within which we typically consider disturbance effects to be significant. However, again it is recognised that it may not be feasible to restrict construction of the development to outside these four-hour windows.

2.3.7 The proposal to construct a coastal bund, with temporary screening along the top as suggested by NRW in their comments of 14<sup>th</sup> December, would shield the birds from the development activity provided:-

- Construction of the bund is completed within the April to September period, and
- Where construction of the bund takes place outside the April to September period, no construction activity can take place between two hours before high tide and two hours after high tide, and
- Line-of-sight cross sections can demonstrate that, taking account of the bund and temporary screening along the top, all aspects of construction of the biomass plant



and other buildings, including cranes, scaffolding, site operatives, piling rigs etc., are not visible to wetland birds on the foreshore within 200m of the boundary of the construction site.

2.3.8 These measures will be secured by the following planning condition:-

#### **‘Severn Estuary Coastal Bund & Screen**

No development shall take place until details of measures to construct a coastal bund and screen to shield earth movements and construction activities from the Severn Estuary European Sites has been submitted to and approved in writing by the Local Planning Authority. The bund and screen shall be constructed in accordance with the approved details and shall be retained and maintained for the entire construction period. The approved details shall include:

- (i) full details of the design of the bund and screen;
- (ii) line-of sight sections to demonstrate that all aspects of the construction including the biomass power plant and industrial buildings, cranes, scaffolding, site operatives and piling rigs are not visible to wetland birds on the foreshore within 200 metres of the application site;
- (iii) a timetable for their provision;
- (iv) a written commitment to only construct the bund and screen between April to September;
- (v) outside of April to September, a written commitment to avoid any construction activity between two hours before high tide and two hours after;

**Reason:** To avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the Severn Estuary SSSI.’

2.3.9 Provided this planning condition is attached and implemented then **in my view there would be no adverse effect upon the integrity of the Severn Estuary EMS, via the medium of Noise/visual disturbance of overwintering and migratory bird features.**

#### **2.4 Site drainage and release of any existing land contamination causing pollution of the Severn Estuary during construction**

2.4.1 The site for this proposed development is on the former ‘Frag Tip’, a historical landfill which has been identified by Pollution Control as a site with potential significant contamination and ground gas issues to be present. Therefore, during groundworks, soil contaminants may be disturbed and mobilised into groundwater, which may in turn migrate horizontally into surface waters. As set out above, these contaminants are likely to significantly harm Severn Estuary EMS habitats.

2.4.2 Comment provided by Jason Bale on 22<sup>nd</sup> January 2018 states that *'The (ES) report provides very little detail on how the works will be undertaken, and what mitigation measures will be implemented, only that such measures will be detailed in the (CEMP)'*. The same communication also indicates that further details remain to be provided, and also that *'...there are no details on appropriate mitigation measures to (sic) that the identified receptors are not adversely impacted from this element of the works'*. Those receptors include the sensitive habitats of the Severn Estuary. As this is an outline planning application, and remediation of the pollutants on site will take place on a phased basis, the fine details of those mitigation measures are not available at present.

2.4.3 Waterfowl are subject to the accumulation of toxins through the food chain or through direct contact with toxic substances when roosting or feeding. Their ability to feed can also be affected by the abundance or change in palatability of their prey caused by toxic contamination. At the moment there is no evidence to show that this is the case on the Severn Estuary, but the estuary is vulnerable to oil spills and there is a continuous discharge of toxins into the estuary, some of which bind to the sediments. This is an area that requires further assessment. The intertidal mudflats and sandflats and the saltmarsh are currently **highly vulnerable** to the introduction of synthetic and non-synthetic compounds, in accordance with Tables 2 and 3 above.

#### **2.4.4 Integrity Test - Site drainage and release of any existing land contamination causing pollution of the Severn Estuary EMS during construction**

2.4.5 Based on the above concerns and lack of detailed information provided to date, the following conditions are requested to be attached to any approval of the development to counteract any adverse effect upon integrity of the EMS:-

#### **'PC Non Standard Requirement for Environmental Permit**

The processing and removal of the 'overburden' material (above MDPE membrane.), shall not commence until an appropriate assessment/ waste classification of the material has been undertaken and an appropriate Environmental Permit, has been granted by the relevant permitting authority. All subsequent works to process and remove this material must be undertaken in accordance to the permit conditions, and all necessary additional sampling requirements of the material as required under the permit must be reported to the LPA.

**Reason:** To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.'

#### **'PC13. GROUND GAS PROTECTION**

Following the completion of the reworking of materials in Zone 2, and prior to the construction of any building in Zone 2, the developer must ensure a scheme to investigate

and monitor the site for the presence of gases\* including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

**Reason:** To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.'

#### **'PC14A. CONTAMINATED LAND MEASURES – ASSESSMENT**

Prior to the commencement of any works below the MDPE membrane or elsewhere below the overburden, an assessment of the nature and extent of contamination of the underlying material shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

**Reason:** To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.'

#### **'PC14B. CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION PLAN**

Prior to the commencement of any works below the MDPE membrane or elsewhere below the overburden a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

**Reason:** To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are

minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.'

#### **'PC14C. CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION**

The remediation scheme approved by condition PC14B must be fully undertaken in accordance with its terms prior to the occupation of any permanent structure of the approved development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

**Reason:** To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.'

#### **'PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

**Reason:** To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.’

#### **‘PC15A IMPORTED SOIL**

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

**Reason:** To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.’

#### **‘PC15B IMPORTED AGGREGATES**

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

**Reason:** To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.’

#### **‘PC15C USE OF SITE WON MATERIALS**

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

**Reason:** To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.’

## **‘PC Non Standard Condition –Integrity of the MDPE Membrane**

In order to minimise, any potential environmental impacts, of the investigation works of the material underlying the MDPE membrane, where the integrity of the membrane is damaged, then upon completion of the investigation repairs to restore/ maintain the integrity of the membrane must be completed. All areas of damage and subsequent repairs must be recorded and a reported and documented in a weekly report to the LPA. Where the repairs are not deemed suitable the LPA will request that further repairs are implemented as necessary.

**Reason:** To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.’

2.4.6 If these conditions are attached to consent and subsequently enforced, then **there would be no adverse effect on the integrity of the Severn Estuary EMS via this pathway.**

### **2.5 Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development.**

2.5.1 The proposed development is for a circa 9.5 MWe Combined Heat and Power station which will produce electricity and thermal energy via steam. However the exact nature and quantities of aerial emissions will not be determined until a later stage in the planning process.

2.5.2 With reference to Table 6 above, deposition of aerial emissions of particulates and NOx have the potential the affect the features of the Severn Estuary EMS. The Atlantic Saltmeadow / Saltmarsh and mudflats & sandflats habitats are particularly sensitive to the effects of aerial pollution.

2.5.3 I note from the consultation response provided by Craig Lewis of Shared Regulatory Services on 12<sup>th</sup> January 2018 that he considers the air quality impacts on the Severn Estuary EMS to be significant. Mr Lewis also notes that mitigation technologies and measures to reduce NOx and particulates emissions have yet to be finalised because the present application is for outline planning consent.

#### **2.5.4 Integrity Test: Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development**

2.5.5 A series of mitigation measures are suggested in section 9.6 of the Air Quality section (Chapter 9) of the ES. These may include emissions abatement technologies to reduce NOx and PM in the exhaust, and an appropriate stack height and exhaust exit velocity to maximise dispersion. In order to have confidence that there would be no adverse effect on integrity of the Severn Estuary EMS as a result of this factor, the following planning condition, together

with other controls (such as Environmental permitting) must be applied to require and enforce counteracting measures which would eliminate any adverse impacts:-

**'Condition:** No reserved matters application shall be approved until an Air Quality Assessment (AQA) for the detailed design of the Biomass Plant has been submitted to and approved in writing by the Local Planning Authority. The AQA shall include an assessment of the impact of the plant emissions and any necessary mitigation measures to ensure the overall impacts of the plant are acceptable. The plant shall be constructed in accordance with the approved details and maintained thereafter.

**Reason:** To ensure air quality is maintained to satisfactory levels and to avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the Severn Estuary SSSI.'

In their advice of 03/11/20, Shared Regulatory Services have confirmed that their advice remains the same and that the above condition is still appropriate. Therefore provided this planning condition is attached and implemented then **in my view there would be no adverse effect upon the integrity of the Severn Estuary EMS, via the medium of aerial emissions causing pollution of the Severn Estuary EMS habitats.**

## **2.6 Dust arising from construction causing contamination and smothering of Severn Estuary EMS habitats**

2.6.1 The site covers some 166,500 m<sup>2</sup> and most of this will be subject to earthworks, involving excavation and haulage of material, tipping stockpiling and site landscaping. The earthworks will last around 6 months and dust will arise mainly from earth-moving vehicles travelling over unpaved ground and from the handling of dusty materials (such as dry soil). Construction will involve a number of steel framed and cladded buildings on concrete slabs, with a total building volume of around 270,000 m<sup>3</sup>. Dust will arise from piling of foundations, vehicles travelling over unpaved ground, and from the cutting of concrete. The construction will take place over a 24-month period. The number of heavy vehicles accessing the site, which may track out dust and dirt, is currently unknown, but it is estimated that there will be a maximum of around 100 outward heavy vehicle movements per day. The unpaved roadway length at the site will be around 300 m. Based upon these parameters, the dust emission class for earthworks is considered to be *large*.

### **2.6.2 Integrity Test: Dust arising from construction causing contamination and smothering of Severn Estuary EMS habitats**

2.6.3 The Construction Phase Impact Assessment submitted as part of the ES for this application lists a set of best-practice measures from the IAQM guidance (IAQM, 2016) that it is suggested should be incorporated into the specification for the works. These measures should ideally be written into a Dust Management Plan. Some of the measures may only be necessary during specific phases of work, or during activities with a high potential to produce dust, and the list should be refined and expanded upon in liaison with the construction contractor when producing the Dust Management Plan.



2.6.4 This Dust Management Plan, and its implementation, will be secured by the following planning condition:-

#### **'Dust Management Plan**

No development shall take place until a Dust Management Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved DMP.

**Reason:** To ensure the satisfactory control of dust and to avoid any adverse effect upon the integrity of the Severn Estuary European Sites and the Severn Estuary SSSI.'

2.6.5 In this case **there would be no adverse effect on the integrity of the Severn Estuary EMS via this pathway.**

#### **2.7 Surface drainage during operation**

2.7.1 Surface water running off impervious surfaces can become contaminated with petrol, oil, heavy metals other pollutants from roads and parking areas, as well as fertilizers and pesticides from soft-landscaped areas. Roads and parking area can be sources of polycyclic aromatic hydrocarbons (PAHs), which are created as combustion byproducts of petrol, diesel and other fossil fuels, as well as of heavy metals such as lead, nickel, zinc copper and cadmium, Fertilizer use on landscaped areas can result in nitrates and phosphorus in urban runoff when improperly applied or over-used.

2.7.2 Eroding soils or poorly maintained construction sites can often lead to increased turbidity in runoff. Increased levels of sediment in water bodies can cause smothering of habitats, toxic contamination, and nutrient enrichment. These high levels of nutrients can reduce oxygen and boost algae growth while limiting native vegetation growth. Limited native vegetation and excessive algae has the potential to disrupt the entire aquatic ecosystem due to limited light penetration, lower oxygen levels, and reduced food reserves.

#### **2.7.3 Integrity Test: Surface water drainage causing contamination and smothering of SAC / SPA habitats**

2.7.4 Interception of contaminated surface water run-off is vital to avoid the adverse effects set out in Table 6 above. This can be achieved by the enforcement of a planning condition which requires the applicant to demonstrate that surface water will be managed in such a way as to avoid significant adverse impact upon the features of the Severn Estuary EMS, e.g.

**'Condition:** No development shall take place until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.'

2.7.5 If this were implemented then **there would be no adverse effect on the integrity of the Severn Estuary EMS via this pathway.**

### **3. Cumulative and in-combination effects**

3.1 The following projects are assessed in-combination with the current application.

#### **Replacement Chimneys to Existing Boiler Room at Unit 68 Portmanmoor Rd Ind. Est.**

3.2 This proposal (20/01626/MNR) entails replacement of existing chimneys to the existing boiler room at Princes Ltd facility Portmanmoor Road Cardiff, thereby extending their height from 12m to 20m. An Air Dispersion Modelling Report has been produced, and this will be used to inform a HRA for this application. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application on the basis of potential impacts of NO<sub>x</sub> upon Atlantic Salt Meadow habitats which are a feature of the Severn Estuary SAC..

3.3 An Air Dispersion Modelling report has been produced in support of this application and in his letter of 26/10/20 the Specialist Services Officer (Specialist Enterprise Services) of Shared Regulatory Services (who provide specialist technical advice to Cardiff Council on such matters) has stated that he agrees with the Air Quality Assessment that the significance of the long-term NO<sub>x</sub> PC on the critical level can be categorised as Negligible.

#### **Mor Hafren Bio Power Energy Recovery Facility Newlands Road**

3.4 An application for a Development of National Significance has been submitted at land of Newlands Road, Cardiff (323618, 179648) by Mor Hafren Bio Power for an Energy Recovery Facility fuelled by up to 200, 000 tonnes per annum of residual waste and exporting approx. 15Mw of electricity to the grid. The proposed built components within the development plot would comprise: a tipping hall, fuel bunker, process buildings (boiler and turbine halls, and 70m stack), air-cooled condensers, flue gas treatment plant, residue silos, firewater tanks and office and weighbridge. This project has been allocated application number 19/02588 in Cardiff

3.5 This proposal has been subject to a Habitats Regulations Assessment, which has concluded that the proposed development would not be likely to have a significant effect upon any Natura 2000 site, including the Severn Estuary SAC and SPA.

3.6 Moreover, an in-combination screening has been undertaken to examine whether the Mor Hafren project at Newlands Road be likely to have a significant effect when considered in combination with other plans and projects in the area. The conclusion of that in-combination assessment, set out in section 10.1.1 of the HRA document, is as follows:-

*'The project alone is not considered to have any likely significant effects on the interest features of the relevant European sites. It follows that a project with no likely significant effects cannot act in-combination with other plans or projects as there are no appreciable effects on the site to consider.'*

3.7 This being the case, at the time of production of the present version of the HRA for the renewal of 17/02130/MJR at Rover Way there is uncertainty over the impacts of the Mor Hafren project at Newlands Road, and further assessment of its impacts are ongoing.

3.8 However, NRW have advised that the present 20/01279 Rover Way application, the 19/02588 Mor Hafren project and the 20/01626 Portmanmoor application might all act in combination in terms of releases of NO<sub>x</sub>, which may affect the Atlantic Salt Meadow habitat of the Severn Estuary SAC. This being the case, the following in-combination analysis has been undertaken by the Specialist Services Officer (Specialist Enterprise Services) of Shared Regulatory Services (who provide specialist technical advice to Cardiff Council on such matters).

#### **Rover Way, Mor Hafren and Portmanmoor Road In Combination Assessment**

3.9 In accordance with the advice produced by NRW when it comes to screening potential impacts expectant of a proposal the Environment Agency's Air Emissions Risk Assessment guidance is used; <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

3.10 As dictated by this guidance, regardless of the baseline environmental conditions, a process contribution (PC) can be considered as insignificant if:

- the long-term (annual mean) PC is <1% of the long-term environmental standard; and
- the short-term (15-minute, 1-hour, 24-hour mean) PC is <10% of the short-term environmental standard.

3.11 The assessment submitted by the various Consultants for each outlined application considers the above and where necessary correctly proceeds to the next step in the Environment Agency's screening process to calculate the long term predicted environmental concentration (PEC), as well as short term process contribution (PC). Here, background concentrations are taken into consideration to determine outcomes. The emissions are deemed insignificant if:

- the long-term PEC is less than 70% of the long-term environmental standard ; and
- the short-term PC is less than 20% of the short-term environmental standards minus twice the long-term background concentration.

3.12 Adopting the first step, the NO<sub>x</sub> background/ baseline concentration value established by the report submitted in accordance with application 17/02130/MJR, which was calculated for the Saltmarsh area, is used. This approach ensures a conservative outlook given that the report was produced in 2017 and it is known that background levels do improve with time. Herein the baseline value used is 24.8 µg/m<sup>3</sup>.

3.13 Subsequently each individual application and focused on the PC calculated at a receptor representative of the Saltmarsh Area:-

PC

- 20/01279 Rover Way Biomass Plant - 0.41 µg/m<sup>3</sup>
- 20/01626 Portmanmoor Road chimney replacement application - 0.36 µg/m<sup>3</sup>
- 19/02588 Mor Hafren Energy Recovery Facility Project - 0.25 µg/m<sup>3</sup>

3.14 By combining the above and adding the baseline value, this produces a cumulative PEC value of 25.82 µg/m<sup>3</sup> of NO<sub>x</sub>. Considering the criteria stipulated by the Environment Agency's Air Emissions Risk Assessment guidance 'The emissions are deemed insignificant if the long-term PEC is less than 70% of the long-term environmental standard', the PEC value of 25.82 µg/m<sup>3</sup> is greater than the 70% threshold criteria.

3.15 However, the Environment Agency's guidance specifically outlines that where detailed dispersion modelling has been undertaken, no further action is required if resulting PECs do not exceed environmental standards, which in this instance is the critical level set at 30µg/m<sup>3</sup>.

**When you do not need to take further action**

You do not need to take further action if your assessment has shown that both of the following apply:

- your proposed emissions comply with [BAT associated emission levels \(AELs\)](#) or the equivalent requirements where there is no BAT AEL
- **the resulting PECs will not exceed environmental standards**

**When you need to take further action**

You'll need to do a cost benefit analysis if any of the following apply:

- your PCs could cause a PEC to exceed an environmental standard (unless the PC is very small compared to other contributors – if you think this is the case contact the Environment Agency)
- the PC is already exceeding an environmental standard

3.16 Therefore, the PEC value is 25.82 µg/m<sup>3</sup> which therefore does not breach the 30µg/m<sup>3</sup> critical level. This conforms to the EA's guidance as cited above, and so, considering these three applications in combination, the critical level for impacts of NO<sub>x</sub> upon Atlantic Salt Meadow habitat is not breached, so there would be no adverse effect upon the integrity of the SAC.

## Uskmouth Power Station

3.17 An application to Newport Council (Ref 20/0748) has been submitted for the erection of silos and de-dusting building, extension to rail unloading facility, new above ground conveyors and ancillary development. The zone of influence of this proposal could impact upon habitat which could be affected by the current Rover Way proposal. Therefore on a precautionary basis this application is screened in for an in-combination assessment in the HRA for present Rover Way application

3.18 However on 25/11/20 NRW provided advice that they continue to have significant concerns with that proposed development and that a revised air quality assessment to allow the competent authority to carry out an assessment under Regulation 63 of the Conservation of Habitats and Species Regulations.

3.19 This being the case, at the time of production of the present version of the HRA for the renewal of 17/02130/MJR at Rover Way there is uncertainty and disagreement over the impacts of the Uskmouth Power Station project.

3.20 Therefore it is not possible to conduct an in-combination assessment with the Uskmouth Power Station project until those impacts are assessed to the satisfaction of all parties. It is recommended that the HRA of the Uskmouth Power Station project includes an in-combination assessment with the present Rover Way project when that assessment is complete.

### **Other Potential Projects**

#### **Waste Water Treatment Works Anaerobic Digestion Facility**

3.21 Applications 13/00686 and 15/00591 propose a small-scale (2MW) anaerobic digestion facility at the Waste Water Treatment Works (WWTW) immediately (200m) to the south west of the Frag Tip. These applications were subject to a HRA, with the outcome that Atmospheric Pollution and Water-borne pollution and mobilisation of existing ground contaminants were not likely to have a significant effect on the Severn Estuary EMS. In addition, in their response of 12 May 2015, NRW indicated that provided the development is carried out as stated in the application and supporting documents, they are of the opinion that the proposal would not be likely to have a significant effect on the Severn Estuary EMS

3.22 Therefore, any counteracting measures secured in relation to the present application to ensure that there is no adverse effect upon the integrity of the Severn Estuary EMS, together with any similar measures required to ensure that the 15/00591 application is not likely to have a significant effect upon the same site, will ensure that there is no overall adverse effect upon the integrity of the Severn Estuary EMS.

3.23 Further projects are proposed in Cardiff which may in time be identified as needing a HRA, however at the time of undertaking the present HRA, these projects are not the subject of a pre-application so there are not sufficient details available to determine whether there is likely to be a significant effect on the Severn Estuary EMS in combination with the present 20/01279 application for amended timescales.

3.24 These developments include the Cardiff Parkway / Hendre Lakes project, and potential employment development at Longcross Farm. In both cases, a HRW is likely to require in-combination consideration with the present 20/01279 application for amended timescales, but sufficient details of these proposals have not been submitted to Cardiff Council as yet which would allow in combination consideration within the present HRA.

### **Installation of Asphalt Batching Plant at Rover Way**

3.25 The application relates to the installation of an Asphalt Batching Plant with associated infrastructure and works. The proposed Asphalt Batching Plant and associated materials storage area will be in keeping with the existing use of the Celsa Steel site and its designation within the Cardiff Local Development Plan (allocation EC1.3).

3.26 An Air Quality Chapter of the Environmental Statement (Chapter 9) has been produced, and this will be used to inform a HRA for this application. The cumulative assessment included traffic emissions from Celsa asphalt batching plant and Rover Way biomass plant. Table 9.6.6 of the assessment illustrated the maximum impacts on annual mean NO<sub>x</sub> Critical Levels, providing a worst-case cumulative NO<sub>x</sub> process contribution of 0.55µg/m<sup>3</sup> (or 1.83%) within a very small area of the Atlantic Salt Meadows habitat , illustrated in Fig. 9.6.4.

3.27 This would not exceed the environmental standard (30µg/m<sup>3</sup> of NO<sub>x</sub>) if added to the cumulative assessment, we are able to conclude no adverse effect on the integrity of the Severn Estuary EMS arising from this project.

### **Celsa Steelworks Reheat Furnace**

3.28 Celsa Manufacturing (UK) Ltd submitted a full planning application for the construction of a new extension (Class B2) to house a new Reheat Furnace and associated works including a new 60m-high Furnace Stack, Water Treatment Plant, Electrical Control Building; Retention of existing Pump House and Demolition of existing Diesel-fuel storage tank.

3.29 An Air Quality Assessment dated October 2019 has been produced, which modelled the NO<sub>x</sub> process contribution from the new furnace in respect of ecological receptors such as the Severn Estuary EMS, and concluded that those contributions would be lower than the existing situation.

3.30 This would not exceed the environmental standard (30µg/m<sup>3</sup> of NO<sub>x</sub>) if added to the cumulative assessment, we are able to conclude no adverse effect on the integrity of the Severn Estuary EMS arising from this project.

## **4. Severn Estuary SSSI.**

4.1 The Severn Estuary SSSI underpins the international designations and its features are largely similar to the features of those designations. Therefore, any measures identified above to avoid adverse effect upon the integrity of the Severn Estuary EMS will similarly avoid impact upon the SSSI features.

## 5. Conclusion

5.1 Table 8 below summarises the results of the test of adverse effect upon integrity for all of the factors identified as being likely to have a significant effect upon the Severn Estuary EMS features :-

| <b>Table 8 – Summary of Test of Adverse Effect upon Integrity</b>   |                                       |                       |
|---|---------------------------------------|-----------------------|
| <b>Factor</b>   | <b>Adverse Effect upon Integrity?</b> |                       |
|   | <b>Alone</b>                          | <b>In Combination</b> |
| Disturbance to bird features arising from construction activities and from operation of the development;                  | No                                    | No                    |
| Site drainage and release of any existing land contamination causing pollution of the Severn Estuary during construction; | No                                    | No                    |
| Aerial emissions causing pollution of the Severn Estuary EMS during operation of the development.                         | No                                    | No                    |
| Dust arising from construction causing contamination and smothering of Severn Estuary EMS habitats                        | No                                    | No                    |
| Increased disturbance to birds caused by use of a temporarily re-aligned Wales Coastal Path at this site                  | No                                    | No                    |
| Surface and foul water drainage during operation  | No                                    | No                    |

5.2 It is the conclusion of this Habitats Regulation Appraisal that, based upon the planning application and supporting documents as submitted, and provided the suggested planning conditions are attached and implemented, **the proposed development will not have an adverse effect upon the integrity of the Severn Estuary EMS.**

## 6. Consultation with Natural Resources Wales

6.1 In accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended):- *'The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify'*.

6.2 NRW were consulted on the original HRA and their comments have been incorporated into the present amended HRA.

## 7. References

**Air Quality Technical Note:** Rover Way Biomass Plant Report No. J3017C/1/F2. Air Quality Consultants, April 2018.

The Conservation of Habitats and Species Regulations 2017  
<https://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

European Commission (EC) (2000) Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

EC (2001) Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

EC (2007) Guidance Document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.

Habitats Regulation Assessment Screening: Mor Hafren Bio Power Cardiff. August 2020. Bradley Murphy Design Ltd.

IAQM (2012) *Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites*, [Online], Available: [www.iaqm.co.uk/guidance.html](http://www.iaqm.co.uk/guidance.html).

IAQM (2016) *Guidance on the Assessment of Dust from Demolition and Construction v1.1*.

Natural England & CCW (2009) *The Severn Estuary / Môr Hafren European Marine Site comprising: The Severn Estuary / Môr Hafren Special Area of Conservation (SAC), The Severn Estuary Special Protection Area (SPA), The Severn Estuary / Môr Hafren Ramsar Site. Natural England & the Countryside Council for Wales' advice given under Regulation 33(2)(a) of the Conservation (Natural Habitats, &c.) Regulations 1994, as amended*. June 2009.

Tyldesley, D., (2009) Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Directive, for Countryside Council for Wales CCW Bangor.

'Waddenzee ruling' Case C-127/02, JUDGMENT OF THE COURT (Grand Chamber) 7 September 2004 (1) (Directive 92/43/EEC – Conservation of natural habitats and of wild flora and fauna – Concept of 'plan' or 'project' – Assessment of the implications of certain plans or projects for the protected site).





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## PETITION & LOCAL MEMBER OBJECTION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/00153/MJR** APPLICATION DATE: 23/01/2020

ED: **CYNCOED**

APP: TYPE: Full Planning Permission

APPLICANT: Silver Crescent Developments

LOCATION: 17-41 CLEARWATER WAY, LAKESIDE, CARDIFF, CF23 6DL

PROPOSAL: ERECTION OF TWO NEW FLOORS ABOVE EXISTING UNITS TO CREATE 15 ADDITIONAL APARTMENTS, SIDE EXTENSIONS INCORPORATING AN EXTENSION TO CAFE (A3 USE CLASS) AT GROUND FLOOR, REFURBISHMENT TO EXISTING COMMERCIAL UNITS, ELEVATIONAL TREATMENTS TO PREMISES, PUBLIC REALM WORKS, HIGHWAYS WORK AND OTHER ASSOCIATED WORKS [AMENDED DESCRIPTION AND PLANS]

**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following condition(s):

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:

| <b>Drawing Title</b>                      | <b>Drawing Reference</b>      |
|---|-------------------------------|
| Site Location Plan                        | 3742/PA/001                   |
| Existing Ground Floor Plan                | 3742-PEN-ZZ-00-DR-A-001 S4 P1 |
| Existing First Floor Plan                 | 3742-PEN-ZZ-01-DR-A-002 S4 P1 |
| Existing Front and Rear Elevations        | 3742-PEN-ZZ-ZZ-DR-A-003 S4 P1 |
| Existing Side Elevations                  | 3742-PEN-ZZ-ZZ-DR-A-004 S4 P1 |
| Proposed Ground Floor Plan                | 3742-PEN-ZZ-03-DR-A-010 P17   |
| Proposed First Floor Plan                 | 3742-PEN-ZZ-01-DR-A-011-P12   |
| Proposed Second Floor Plan                | 3742-PEN-ZZ-02-DR-A-012 P12   |
| Proposed Third Floor Plan                 | 3742-PEN-ZZ-03-DR-A-013 P12   |
| Proposed Front & Rear Elevations          | 3742-PEN-ZZ-ZZ-DR-A-015 P12   |
| Proposed Front & Rear Elevations (Colour) | 3742-PEN-ZZ-ZZ-DR-A-018 P5    |
| Proposed Side Elevations                  | 3742-PEN-ZZ-ZZ-DR-A-016 P12   |
| Proposed Side Elevations (Colour)         | 3742-PEN-ZZ-ZZ-DR-A-019 P5    |
| Proposed Section and 3D Views             | 3742-PEN-ZZ-ZZ-DR-A-017 P1    |
| Bioretention Section and Elevations       | RF-087-002 E                  |
| Landscape General Arrangement Plan        | RF-087-001 J                  |
| Base Landscape Plan                       | RF-087-100 C                  |
| Planting Plan                             | RF-087-200 E                  |

Reason: For the avoidance of doubt.

3. *Material Samples:* Notwithstanding condition 2, prior to their application on site, samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.  
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
4. *Architectural Detailing:* Prior to commencement of any elevation construction work, a scheme showing the architectural detailing of the depths of the reveals of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.  
Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
5. *Cycle Parking:* Prior to the occupation of the development hereby permitted, details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.  
Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles, Policy T5 of the adopted City of Cardiff Local Development Plan (2006-2026).
6. *Highway Works:* Prior to development commencing, details of junction improvements at Carnegie Drive/Clearwater Way and to the existing parking area in front of the Clearwater Way retail units shall be submitted to and approved in writing by the Local Planning Authority. The details should include dropped kerbs/tactile paving across the Carnegie Drive bellmouth and a tightening of the radii, and details of the parking area demonstrating safe and suitable access can be achieved. These details shall be implemented prior to beneficial occupation.  
Reason: To ensure that the use of the proposed development does not interfere with the safety of traffic or pedestrian accessibility, in accordance with Policy T6 of the adopted City of Cardiff Local Development Plan (2006-2026).
7. *Delivery/Servicing/Parking Strategy:* Prior to occupation of development, details of the delivery/servicing/parking strategy for the site shall be submitted to and approved in writing by the Local Planning Authority, to include information on allocation of car parking spaces,

frequency of deliveries and how delivery areas will be suitably controlled and not be used by residents, and the control and operation of the gates into the delivery/parking area. Those agreed details shall remain in force whilst the site is in beneficial occupation.

Reason: To ensure that deliveries and parking are suitably controlled and managed, in accordance with Policies T5 and T6 of the adopted City of Cardiff Local Development Plan (2006-2026).

8. *Construction Environmental Management Plan*: No development shall commence, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and should include details of:
- (i) The parking of vehicles of site operatives and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of plant and materials used on constructing the development;
  - (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (v) Details of highways/footway closures;
  - (vi) Wheel washing facilities;
  - (vii) Details showing that consideration has been given to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current residents;
  - (viii) A dust assessment with dust suppression measures to monitor and control the emission of dust and dirt during demolition and construction;
  - (ix) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. *Contaminated Land Measures (Unforeseen Contamination)*: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land

contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

10. *Imported Soil:* Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

11. *Imported Aggregates:* Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

12. *Use of Site Won Materials:* Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

13. *Bird Nesting*: No works of roof replacement or repair shall take place between 1st March and 15th August unless otherwise approved in writing (email) by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this roof immediately (48 hrs) before works commence.  
Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), where it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.
14. *Sound Insulation*: A scheme of sound insulation works to the floor/ceiling/party wall structures between residential units shall be submitted to and agreed by the Local Planning Authority in writing and implemented prior to occupation.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
15. *Delivery Times*: There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 hours and 08:00 hours.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
16. *Outdoor seating*: The outdoor seating area shown on approved drawing number 3742-PEN-ZZ-03-DR-A-010 P17 shall only operate between the hours of 08:00 and 21:00 hours. All tables and chairs, and all other paraphernalia shall be removed from the outdoor seating area at all times when the use is not being carried on.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
17. The flat roof at first floor level above unit 1A as shown on approved drawing no. 3742-PEN-ZZ-01-DR-A-011-P12 shall not be used or accessed, other than for emergency egress.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any orders revoking and re-enacting those orders with or without modification) the A3 unit labelled 01 and 01A as shown on approved

drawing number 3742-PEN-ZZ-03-DR-A-012 P17 shall only be used for a café use and for no other purposes whatsoever.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

19. *Noise Assessment:* Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB at the nearest noise sensitive premises when measured and corrected in accordance with BS 4142: 2014 (or any British Standard amending or superseding that standard).  
Reason: To ensure that the amenities of occupiers in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
  
20. *Future Kitchen Extraction:* If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).
  
21. *Drainage Scheme:* No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies EN10 and EN11 of the adopted City of Cardiff Local Development Plan (2006-2026).



22. *Landscaping details:* No development shall commence until finalised landscaping details have been provided to give the following additional details: -

- A plant schedule for the shrub/herbaceous mixes for each planting bed.
- A topsoil and subsoil specification with detailed parameters for all planting soils including volumes, profile depths, keying in, drainage, structural qualities, textural qualities, chemistry, storage, handling and placement - such a specification shall be drawn up by a soil scientist familiar with the planting plans.
- Tree pit section and plan views for all planting types showing root available soil volume per tree.
- Planting methodology, aftercare methodology, implementation programme and evidence to show that services including drainage won't compromise planting.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

23. *Landscaping Implementation:* All planting, seeding, turf-laying and paving shown on approved plan drawing numbers RF-087-001 J, RF-087-100 C and RF-087-200 E shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with Policies KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

24. *Roof Terrace Landscaping:* No works to the third floor communal roof terrace shall take place until details of landscaping measures on the third floor communal roof terrace shown on approved plan drawing number 3742-PEN-ZZ-03-DR-A-013 P12, have been submitted to and approved in writing by the Local Planning Authority.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, in accordance with in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

**RECOMMENDATION 2:** The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team ([BilingualCardiff@cardiff.gov.uk](mailto:BilingualCardiff@cardiff.gov.uk)) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 3:** Since January 7th 2019, all new developments of more than 1 house, or where the construction area is 100 square metres or more, require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by the Welsh Ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as they are built and function in accordance with the approved proposals, including any SAB conditions of approval.

It is recommended that the developer engage in consultation with the Cardiff Council SAB team as the determining SuDS Approval Body (SAB) in relation to their proposals for SuDS features. To arrange discussion regarding this please contact [SAB@cardiff.gov.uk](mailto:SAB@cardiff.gov.uk)

**RECOMMENDATION 4:** Bats often roost in houses and other buildings, and work on these buildings may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building in which bats are roosting, Natural Resources Wales (NRW) must be contacted for advice.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Where there is a likelihood that bats are present, or where bats are found to be present, a suitably qualified and experienced ecological consultant should be contracted to provide an assessment of the impact of the proposed works, and undertake bat surveys if necessary.

Where bats or their roosts are present, no works of site clearance, demolition or construction should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. Otherwise, a prosecution may result in a fine and/or imprisonment.

NRW can be contacted at:-

Natural Resources Wales, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP,  
0300 065 3000

Bat Conservation Trust can be contacted at:-

5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845  
1300228

**RECOMMENDATION 5:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management licence. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 6:** The applicant is reminded that all the A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at front of the unit during opening hours and removed from the highway during closing hours. (Please refer the applicant to Paragraph 5.12 of the Food, Drink and Leisure Uses Supplementary Planning Guidance: 2017).

**RECOMMENDATION 7:** The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

**RECOMMENDATION 8:** The applicant is advised to liaise with South Wales Police and contact Jon Brown; 01656 655555 ext: 29248, [Jon.Brown@south-wales.pnn.police.uk](mailto:Jon.Brown@south-wales.pnn.police.uk)).

**RECOMMENDATION 9:** There shall be no burning of waste or burning of waste materials on site and all waste associated with the construction of the development is to be disposed of correctly by suitably licenced waste contractors.

**RECOMMENDATION 10:** The highway works condition and any other works to the existing public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 11:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800 -1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays, this also includes the delivery and removal of materials, plant, skips etc. The applicant is also advised to seek approval for any proposed piling operations.

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application seeks full planning permission to create two additional storeys above the existing building to accommodate 15 new apartments (Use Class C3). The works will also involve the reconfiguration of two existing apartments at first floor level, a single storey extension at ground floor level to the existing café (A3) unit, refurbishment and elevational treatments to the existing commercial units, public realm works, highways works and other associated works.
- 1.2 The new storeys will be extended upwards by two floors with a staggered set-back away from the western boundary. The second floor will cover the full width of the existing building and the third floor will measure half the width of the floor below (37m wide), with two sections of roof garden either side. The development will feature two access points, both with a staircase and lift; the first being from a central core within the block, providing access to all floors, and the second from the south-east corner of the site, providing access to the first and second floors only. At ground floor level the existing steps on the south-eastern corner of the site will be removed and replaced with a single storey ground floor extension to the A3 unit. This will include an associated external seating terrace on the corner, with further seating spilling out on to part of the main public realm frontage along Clearwater Way. The existing stepped access along the east will be removed for landscaping, but the pedestrian access to the north will be retained. The existing commercial units will be retained but refurbished and the public realm area to the front (east) will be enhanced with a projecting 2.3m deep undercover walkway along the fronts of the commercial units. Soft landscaping is proposed to the edges of the site to the north, east and south and 5 trees will be planted. The existing retaining walls along the eastern side of the public realm is to be softened with timber cladding. The existing and proposed walls of the development are to be clad in brick slips with perforated sheet cladding to the uppermost floor. Windows will be double glazed.
- 1.3 The 15 new apartments will comprise 12 units on the second floor and 3 units on the third floor. They will be split into four 1-bedroom, eight 2-bedroom and three 3-bedroom units. The 12 existing 2-bedroom units on the first floor will be retained, however the two central units will be reconfigured from 2-bedroom units to 1-bedroom units. As such, the development including the existing structure will amount to four storeys in height, with a total of 27 residential units on site. Whilst the second floor apartments will not have private balconies, the occupiers will have access to a 241sqm communal roof terrace on the third floor, which will be accessible to all residents within the development. The units on the third floor will also have private balconies/terraces, measuring a variety of sizes (unit 25's measuring 47sqm terrace, unit 26's measuring 12sqm and unit 27's measuring 54sqm).
- 1.4 The proposal seeks to formalise the vehicular parking along the front of the site along Clearwater Way. A total of 4 additional car parking spaces are proposed to the site, resulting in 25 spaces in total (including 2 disabled spaces). The tandem car parking spaces to the rear (west) will be offered to

two separate dwellings in pairs. 29 cycle parking spaces are proposed to the west of the site for residents, 2 for the commercial units within the south-western core and 8 spaces for the public along the public realm on Clearwater Way. Security gates are proposed on either side of the un-adopted lane to the rear to be used for delivery and service vehicles. The additional car parking and the cycle parking will be accessible through these gates. The rear lane will have a one-way vehicular route.

## **2. DESCRIPTION OF SITE**

- 2.1 The application building forms a two storey local parade of shops with flats located above at first floor level. There are eight existing commercial units, comprising a local supermarket (Tesco Metro), café/tea room, pharmacy, restaurant, cycling shop and two additional retail stores. External steps lead to the site from the south of Clearwater Way with an area of grass on either side. Twelve 2-bedroom flats are located on the first floor above, accessed from external steps on the south-eastern corner of the site, leading to a rear balcony walkway with semi-private front gardens. The existing building has a flat roof with white rendered elevations and stone facing applied on the south-eastern flank wall. This is of a differing design and form to the buildings in the locality, which appears to be intentional to define its distinct use. The frontage of the application site is an open area in private ownership, which acts as an area of public realm providing access to the commercial units. Beyond this along Clearwater Way is an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces). The site is bounded by public highways to the north, south and east (front) and an un-adopted service lane to the west (rear). The site measures approximately 0.3ha in area and sits on the brow of a hill.
- 2.2 The site is located within a suburban area of predominately residential properties. The principal building type is of single and two storey residential dwellings, however there is some variation within the area including terraced dwellings and four storey apartment blocks. The context to the site to the west and south is post-World War II semi-detached single and two storey homes forming periphery blocks on standardised curvilinear estate roads which form a continuous network on the hillside. Gardens are reasonably generous and the dwellings have a significant set-back from the highway, with on-plot parking and some garages. To the immediate north, two four-storey apartment blocks sit along the contours, and side onto the street frontage, with a generous parking area between, but set-back a little behind trees. Opposite the site to the east, and beyond the reasonably wide Clearwater Way is a short parade of businesses set-back from the road behind a mixture of car park, service yards and a beer garden, including the Discovery Inn public house, a takeaway and a convenience store.
- 2.3 The application site falls within the settlement boundary as defined by the Adopted Local Development Plan proposals map and has no specific land use allocation or designation. The site is located within Flood Zone A, meaning there is little or no risk of flooding. The site is not located within a conservation area and there are no listed buildings in close proximity.

- 2.4 There are two schools in close proximity; Lakeside Primary School is located 450m walking distance away to the south and Cardiff High School, which is approximately 650m walking distance to the north-west. In terms of recreational facilities, Roath Lake/Roath Park Wild Gardens are within 300m walking distance to the west. Strips of woodland which are designated Sites of Importance for Nature Conservation, curve around the north, east and south approximately 50m away from the site.
- 2.5 Bus stops on Lakeside Drive are within 250m west of the site and provide regular services throughout the day to the city centre and other destinations. There are also bus stops on Celyn Avenue. Both the Heath High Level and Heath Low Level train stations, which lie on the Rhymney and Coryton lines respectively, are a little over 1km from the site, both of which run frequent services to Cardiff Central.

### **3. RELEVANT SITE HISTORY**

- 3.1 16/00962/MJR – Proposed construction of rear balcony walkway, new access steps to rear and creation of private garden areas. Permitted: 01/09/2016.

### **4. POLICY FRAMEWORK**

- 4.1 The following national planning policy and guidance is considered to be of particular relevance:

4.2 Planning Policy Wales (PPW) (Edition 10, December 2018)

4.3 Building Better Places (July 2020)

4.4 The following Technical Advice Notes (TANs) are relevant:

- TAN 4: Retail and Commercial Development (November 2016)
- TAN 11: Noise (October 1997)
- TAN 12: Design (March 2016)
- TAN 18: Transport (March 2007)

4.5 The following local planning policy and guidance is considered to be of particular relevance:

4.6 Cardiff Local Development Plan 2006-2026:

- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- KP8 Sustainable Transport
- KP12 Waste
- KP13 Responding to Evidenced Social Needs
- KP14 Healthy Living
- KP15 Climate Change

- KP16 Green Infrastructure
- H3 Affordable Housing
- EN8 Trees, Woodlands and Hedgerows
- EN10 Water Sensitive Design
- EN11 Protection of Water Resources
- EN13 Air, Noise, Light Pollution & Land Contamination
- T1 Walking & Cycling
- T5 Managing Transport Impacts
- T6 Impact on Transport Networks and Services
- R1 Retail Hierarchy
- R6 Retail Development (Out of Centre)
- C3 Community Safety/ Creating Safe Environments
- C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport
- W2 Provision for Waste Management Facilities in Development

#### 4.7 Supplementary Planning Guidance:

The following Supplementary Planning Guidance (SPG) is of relevance:

- Green Infrastructure Consultation Draft (2017)
- Managing Transportation Impacts (Incorporating Parking Standards) (July 2018)
- Planning Obligations (2017)
- Waste Collection and Storage Facilities (2016)
- Infill Sites (November 2017)
- Food, Drink and Leisure Uses (November 2017)

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 **Transportation:** The existing site comprises an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces) along Clearwater Way. This area will be formalised to provide 20 marked parking spaces (including 2 disabled spaces). The area to rear (west) will have 5 spaces proposed, which will serve 3 of the new units. There will therefore be 25 parking spaces in total on site. The proposed vehicular parking meets the Council's parking standards in line with the 'Managing Transportation Impacts' SPG.
- 5.2 The application proposes 29 secure and covered cycle parking spaces at the west of the site to be used by residents. This amounts to 1 space per bedroom for the additional 15 units, in accordance with the SPG. There are also 2 secure and covered staff cycle spaces proposed within the south-west core and 8 Sheffield stands proposed along the public realm frontage. Whilst the proposed cycle parking complies with the SPG, further details are required by way of a condition.
- 5.3 Transportation Officers have raised no objection, subject to an £8,000 Traffic Regulation Order (TRO) which shall be paid through a Section 106 Legal Agreement. The TRO will be made for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern



side of Carnegie Drive. In addition, improvements at the junction will be made including tightened radii and pedestrian dropped kerbs/tactile paving. The following conditions have been applied; a delivery/servicing/parking strategy, cycle parking and highway works. Refer to para's 8.21 – 8.26 for further details.

- 5.4 **Trees:** The Tree Officer supports the proposed 'Stockholm' system which is being specified primarily because of the benefits it affords in terms of drainage in a SuDS context – i.e. free drainage whilst maintaining good aeration to depth. Whilst landscaping details have been provided, the Tree Officer has requested further details. As such, no objection has been raised, subject to conditions providing further landscaping details, landscaping maintenance and the implementation of landscaping. An additional condition has been proposed requesting landscaping details to be provided for the communal roof terrace.
- 5.5 **Ecology:** The Ecology Officer notes that alterations to the roof have already taken place and that there are new fascia boards and soffits all around. This suggests that if any bats had been present they would already have been disturbed by the works. A bat survey is therefore not requested but an advisory note has been included to remind the applicant that there is a small chance bats may be present, and what to do if any are found. There may also be nesting birds such as gulls on the flat roof of this building. As such, a nesting bird condition has been included.
- 5.6 **Affordable Housing:** In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 15 units (3 units) is sought on this brownfield site or a financial contribution of £241,570 in lieu of 1x 1-bedroom unit and 2 x 2-bedroom units. This has been calculated in accordance with the formula in the Planning Obligations– Supplementary Planning Guidance (SPG) (2017).
- 5.7 **Parks:** These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.
- 5.8 The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.
- 5.9 Based on the information provided on the number and type of units, officers have calculated the additional population generated by the development to be 27.1. This generates an open space requirement of 0.066 ha of on-site open space based on the criteria set for housing accommodation, or an off-site contribution of £28,118.
- 5.10 As no public open space is being provided on-site, Parks Officers have

requested that the developer makes a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

- 5.11 Consultation would take place with Ward Members to agree use of the contribution, and this would be confirmed at S106 stage. The closest areas of recreational open space are Roath Park Discovery Wood and Scott Wood.
- 5.12 Parks Officers welcome the inclusion of the additional trees and SuDS feature and note that no existing trees will be affected by the proposals.
- 5.13 **Waste Management:** Officers raise no objection to waste storage areas for the commercial and residential units. An advisory note has been included reminding the applicant that all the A3 units are required to provide litter bins at the front of the unit in order to prevent littering on the adopted highway. The tenant will be required to provide, service and empty a litter bin to be placed at front of the unit during opening hours and removed from the highway during closing hours.
- 5.14 **Pollution Control (Contamination):** The site has been identified as retail and residential. Contamination is not known at this site, however the potential for this cannot be ruled out. As such, an unforeseen contamination condition has been applied.
- 5.15 Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Therefore conditions and informative statements in accordance with CIEH best practice have been recommended to ensure that the safety of future users is not prejudiced in accordance with Policy EN13 of the Cardiff LDP. The following standard conditions have been recommended; contamination land measures (unforeseen contamination), imported soil, imported aggregates and use of site won materials. An advisory note has also been included.
- 5.16 **Pollution Control (Air Quality):** Due to the nature of the development, in terms of its purpose for residential housing and its location, via the submission of an appropriate air quality assessment (AQA) the applicant must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on local/current residents. As a minimum, consideration of air quality impacts should be examined through the development stage, focusing on dust emissions during the construction phase of the development. These details will be required as part of the Construction Environmental Management Plan.

- 5.17 In terms of operational impacts expected of the proposed scheme Officers note the expected increases in traffic movements, as per the submitted Transport Statement, and therefore can conclude that the threshold criteria stipulated in EPUK IAQ guidance “Land-Use Planning and Development Control: Planning for Air Quality, January 2017”, specifically Table 6.2, would not require the operational element of the proposal to be assessed.
- 5.18 **Pollution Control (Noise)**: A number of conditions have been recommended to ensure that the amenities of occupiers of other premises in the vicinity are protected. These include a sound insulation scheme, a noise assessment for the plant equipment, kitchen extraction details, restrictions on delivery hours to the commercial units and a Construction Environmental Management Plan to protect the residents against noise, vibration and dust during construction. The condition restricting operation hours has not been applied, as no new commercial units are being proposed.
- 5.19 **Education**: The Education Officer notes that the yield of pupils from such a small development will have a very little impact on the capacity of local schools. The calculated gross yield of pupils will be significantly below 1 child per year group. In accordance with the Council’s adopted Planning Obligations SPG, no obligation will be sought.

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 **Welsh Water**: No objection is raised in principle however a drainage scheme condition and an advisory note has been recommended.
- 6.2 **South Wales Police (SWP)**: SWP have raised no objection but have provided a number of security-related recommendations. An advisory note has been included.
- 6.3 **Natural Resources Wales**

No objection.

## **7. REPRESENTATIONS**

- 7.1 The application was subject to two 21-day consultation periods, being advertised by press and site notices as a major application and neighbours and local members were notified. Following amendments to the plans, the application was subject to a 7-day re-consultation.
- 7.2 Two petitions of objection have been submitted by Mr and Mrs Archard. The first with 127 signatures and the second with 65 signatures. The petitions have been submitted on the grounds of loss of parking, traffic volume, overlooking and the development appearing out of character with the local area.
- 7.3 48 letters of objection have been received from residents, summarised as follows:

- Excessive scale, overdevelopment and not in keeping with local area, especially given that the site is elevated on a hill
- Loss of privacy, light, undue sense of enclosure
- Potential increase in noise and waste
- Request to ensure no impact on bat roosting
- Parking and traffic concerns, safety concerns
- Loss of revenue to the commercial premises due to a lack of parking spaces
- School capacity concerns
- Lack of space for fire services and lorries
- The development will lead to increased litter and anti-social behaviour
- Clearwater Way should be made into a one-way street
- There are no benefits to the scheme

7.4 1 letter of support received from a local resident.

7.5 Councillor Hopkins and Councillor Molik submitted a joint objection and amended their objection following the submission of amended plans. For the benefit of members the letters of objection have been summarised below:

- Excessive scale, overdevelopment
- Overlooking, overbearing, overshadowing to neighbouring properties
- Parking and traffic concerns and confusion over how many affordable apartments are provided
- Poor public transport links results in reliance of car use
- Concerns with safety of children walking to school

7.6 Councillor Kelloway objected. This has been summarised as follows:

- Excessive scale and massing, overdevelopment
- Overbearing, overshadowing, overlooking/loss of privacy
- Parking concerns
- The works will contradict existing works taking place to implement an active travel scheme in the area, to make walking to school safe for children
- Oversubscribed schools

## 8. **ANALYSIS**

8.1 The main issues to be assessed are:

- a. Proposed land use
- b. Design
- c. Impact on residential amenity
- d. Transport and accessibility
- e. Other considerations

### **a. Proposed land use**

8.2 The application site falls within the settlement boundary as defined by the

Cardiff Local Development Plan (LDP) Proposals Map and has no specific land use designation or allocation. Given the residential nature of the area, the flats proposed on top of the existing two storey building raise no land use policy concerns.

- 8.3 In relation to the retail element of the proposal, the site does not fall within a designated District or Local Centre as defined by Policies R4 or R5 of the LDP. However, it contains an existing retail frontage which provides an important local shopping function. Paragraph 5.282 of the LDP states that in addition to local centres identified on the proposals map, there are numerous smaller groups of shops and individual 'corner shops' across the county that provide valuable shopping facilities to surrounding communities. This parade of local shops at Clearwater Way falls under this definition. This proposal will enhance this function by maintaining the existing ground floor retail units and offering greater footfall from the proposed new flats, which is supported in Planning Policy Wales and its refocused guidance in 'Building Better Places (July 2020)'.
- 8.4 The application proposes an extension to the existing A3 unit, which shall be assessed against Policy R8 (Food and Drink Uses) of the LDP. Paragraph 5.297 states that Local Centres and smaller neighbourhood centres are generally more residential in nature, and do not have the scale or variety of retail and non-retail uses of larger centres. Therefore, A3 proposals may be more difficult to accommodate, and are less likely to be acceptable on amenity grounds (e.g. potential noise and disturbance, anti-social behaviour and litter associated with this type of development proposal). As a consequence more emphasis will be placed on protecting residential amenity within these centres through restricting the type of A3 premises. As such, a condition has been applied to restrict the A3 element to a café only.
- 8.5 Whilst the extended outdoor sitting area associated with the A3 use does not raise any land use policy concerns, paragraph 5.26 of Supplementary Planning Guidance (SPG) 'Food, Drink and Leisure Uses' (November 2017) states that each case will be assessed on its merits, taking into consideration the nature and individual characteristics of the centre. Given the proximity of the outdoor seating area to residential accommodation, a condition has been applied restricting the opening of the area to 8:00am to 9:00pm.
- 8.6 Taking the above factors into consideration and subject to conditions, the proposal does not raise any land use policy concerns.

#### **b. Design**

- 8.7 Cardiff Local Development Plan (LDP) Policy KP5 (Good Quality and Sustainable Design) contains criteria for assessment of new development proposals to ensure that high quality, sustainable designs occur which positively contribute to the creation of distinctive communities, places and spaces.

### *Architectural Design:*

- 8.8 The proposed architectural design is considered suitable in the context of the setting, and will greatly improve the existing vernacular, which is considered dated and uninspiring. The existing primary elevation is dominated by dark railings, white rendered external walls, and a flat roof and the ground floor commercial units are partially visible from the main road. The proposed retail frontage will be significantly enhanced, with a clever reuse of the existing structure to create a striking contemporary brick block with a strong colonnade. The fenestration is reorganised to create a coherent design. The use of brick provides a more traditional and durable material and ties the scheme in with the general character of nearby homes, more than the current white render solution. The top floor is defined separately by the use of perforated sheet cladding and the a-symmetric arrangement within the context is considered an interesting design feature.

### *Scale and Massing:*

- 8.9 The proposal involves the addition of two storeys extending upwards with a staggered set-back away from the western boundary. The second floor will cover the full width of the existing building and the third floor will measure half the width of the floor below. Sitting at the brow of the hill, officers note that the development will be prominent in local views, and certainly more prominent than the current scheme. However it is considered that the development will not be overly dominant and overbearing within the local context. From the south-east the building sits in a reasonably large space fronting Clearwater Way, but the development sits close to homes to the north and south-west. The second floor is considered acceptable, as it is set back from the existing first floor element that is retained, with the massing being proposed to the Clearwater Way side. This will create a local focus within the community and will enhance the legibility of the area in a way officers find acceptable. Whilst the majority of dwellings in the locality are two-storey, the development will match the height of the four-storey apartment blocks to the north. Further, the third floor will only be a partial element, measuring half the width of the storey below with set-backs from the front, rear and sides, reducing the perception of scale. The two stair/lift cores are considered to be reasonably discrete elements; the centrally positioned core will measure just 5.5m wide and will sit away from neighbouring dwellings. The south-western core will sit adequately away from the dwellings on Celyn Avenue and Carnegie Drive, creating some mass but only onto the reasonably wide Clearwater Way frontage.

### *Public Access:*

- 8.10 Pedestrian access to the shops and apartments will be via the precinct which roughly retains its form but is upgraded with drainage features and some shrub and tree planting. The steps from the south-west will be removed and pedestrians will access the shops from this direction by moving further up the retained pavement. An outdoor seating area for the café will be located at the south-west corner of the site, as well as an area for Sustainable Drainage Systems (SuDs) and planting. This will bring some vitality to the corner and

offer a good outdoor amenity space to the area, providing a significant feature of the scheme for the public. Whilst the access via the steps from the eastern parking area is removed to allow for additional landscaping, the access from the north is retained. The detour is not considered significant and so officers consider this acceptable.

*Landscaping:*

- 8.11 Soft landscaping is also proposed to the edges of the site to the north and east and 5 trees will be planted. The vegetation will serve an aesthetic purpose and forms a key part of the SuDS strategy. Officers consider that the landscaping will create a better sense of place through its approach to hard and soft landscaping. The extensive pedestrian public realm to the site frontage has been carefully set out to create an active space that will be more usable than at present. Sitting out areas are complemented by adjacent planting and the existing retaining walls along the eastern side of the public realm are to be softened with timber cladding.
- 8.12 Whilst the Tree Officer raises no objection to the use of the Stockholm soil structure system, which is being used for the benefits it affords in terms of drainage in a SuDS context, further landscaping details will be required as conditions. This will ensure that the landscaping is appropriately implemented and maintained. In light of the above, it is considered that the landscaping proposals will significantly improve the existing hard landscaped character of the site.

*Amenity of Future Occupiers:*

- 8.13 The application proposes a 241sqm communal roof terrace on the third floor, which will also be accessible to all residents within the development. The first floor flats will retain their private balconies and the flats on the third floor will have private balconies/terraces measuring a variety of sizes (unit 25's measuring 47sqm terrace, unit 26's measuring 12sqm and unit 27's measuring 54sqm). Whilst the second floor apartments will not benefit from private balconies, the occupiers will have access to the communal roof terrace on the floor above. A landscaping condition has been applied for the communal roof terrace, to ensure that it provides a desirable space for future occupants. The proposed residential units are considered a reasonable size and will receive adequate levels of ambient lighting and ventilation.

**c. Impact on residential amenity**

- 8.14 The scheme has been carefully assessed against the Council's SPG guidance on privacy and a sense of enclosure and early submissions have been adjusted to bring the development within acceptable limits.

*Overlooking and Privacy:*

- 8.15 Paragraph 4.9 of the Infill Sites SPG (2017) states that the minimum overlooking distance from a habitable room window to a garden area of a

separate dwelling should be at least 10.5m. The closest rear gardens to the site are at 23 Carnegie Drive and 68 Celyn Avenue to the west. The existing situation already enables a degree of overlooking from the existing first floor level. This has a rear balcony walkway with semi-private front gardens, with an overlooking distance of 9.8m from the rear gardens to the west. This was granted permission in 2016 (ref: 16/00962/MJR) and will be retained. The overlooking distance from the proposed second floor to the neighbouring gardens is 14m. These views will be from the rear balcony walkway and so will essentially be a 'passing through' area, where people are typically coming and going from homes and not necessarily lingering. There will also be areas of planting against the boundaries which will push residents further away from the balcony edge to reduce the impact of overlooking. The third floor will have an even further set-back, with a 17m separation distance from the gardens to the west. Whilst it is noted that there will be a communal roof terrace at this level, the 17m distance considerably exceeds the separation distance as identified in the Infill Sites SPG. Further, 68 Celyn Avenue has screening along its side rear garden boundary from trees. There are no overlooking concerns to the north, with the flank elevation of the development being a considerable 28 metre distance across the road from the Celyn Avenue apartment blocks. As such, it is not considered that the proposed development will detrimentally affect neighbouring occupiers living conditions in terms of overlooking and a loss of privacy.

*Outlook and Sense of Enclosure:*

- 8.16 Whilst it noted that the development will sit on the brow of the hill, the development is staggered, with the two additional storeys stepping away from the western boundary. By taking the massing nearer to the Clearwater Way side, with the gradual staggered set-back approach is considered sufficient to ensure that the development doesn't appear overbearing from the rear gardens of the dwellings to the west. To the south-west, the development will measure just three storeys high at a considerable distance from the nearby dwellings. It is therefore not considered that the development will appear overbearing to the nearby dwellings.

*Sunlight and Daylight:*

- 8.17 The assessment of sunlight and daylight is based on the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice' by P J Littlefair (2011). Officers note that 23 Carnegie Drive has ground floor side windows facing the site. The BRE 25 degree rule has been used to measure the angle from these windows to test whether they will experience a loss of light. At the worst case, the 25 degree angle will intersect the parapet of the third floor roof terrace by 300mm, meaning there will be a negligible impact in terms of a loss of ambient light to 23 Carnegie Drive's side windows.
- 8.18 The applicant has provided a shadow analysis which compares the existing and proposed situation. Given the increase in height, there is marginally worse overshadowing during the early part of the day in both March and



September, but it is resolved by 10:30am in the worst case scenario. The analysis shows that there will be no adversities in summer. Further, 68 Celyn Avenue has trees and planting lining the side boundary that faces the site, meaning that the occupiers will already experience overshadowing of their garden. The impact of overshadowing is therefore considered to be within acceptable limits.

*Other matters impacting upon amenity:*

- 8.19 Conditions have been applied ensuring that there will no delivery vehicles arriving, departing, loading or unloading between the hours of 8:00pm and 8:00am. These hours are not considered to be unreasonable and will not result in an unacceptable level of noise disturbance in this location. To ensure the external plant equipment that is retained at first floor level doesn't harm neighbour's amenity, a noise assessment condition has been applied. Given that the commercial units will remain, it would be unreasonable to apply new operation hours to these units. A condition has however been applied to ensure that the external seating area should not be open outside the hours of 8:00am and 9:00pm.

**d. Transport and accessibility**

*Car Parking / Road Safety:*

- 8.20 The existing site comprises an unmarked car parking area with approximately 18 parking spaces (including 2 disabled spaces). This area will be formalised to provide 20 marked parking spaces (with 2 disabled spaces). The area to rear (west) will have 5 spaces proposed, which will serve 3 of the new units. There will therefore be 25 parking spaces in total on the site. Officers note the objections raised regarding the insufficient amount of car parking spaces within the development, which the objectors suggest will create additional pressures on local parking. Policy T5 of the adopted LDP requires development to accord with the council parking standards, as outlined in the approved SPG. Paragraph 6.1 of the approved 'Managing Transportation Impacts' SPG states that *'the availability of parking spaces and their location can influence travel choices. Excessive provision can serve to stimulate demand for car travel and perpetuate reliance on the car. The application of parking standards to new developments is therefore an important tool in managing demand for travel by car and encouraging a shift to sustainable transport modes'*. The aforementioned SPG uses maximum parking standards (as required by Planning Policy Wales), and there is no minimum amount of car parking that has to be provided. The site is also located within a sustainable location with adequate access to public transport.
- 8.21 Officers also note that objections have been raised with regard to traffic safety concerns, especially for the safety of children walking to school. As such, the application is subject to an £8,000 Traffic Regulation Order (TRO) which shall be paid through a Section 106 Legal Agreement. The TRO will be made for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern side of Carnegie Drive. In

addition, improvements at the junction will be made including tightened radii and pedestrian dropped kerbs/tactile paving. The TRO will seek to ensure that the additional traffic that may be generated and with consideration of other layout changes that are occurring, does not result in local problems arising from the development. The works will not contradict existing works that are taking place to implement an active travel scheme in the area, to make walking to school safer for children.

- 8.22 In light of the above, the proposed vehicular parking meets the Council's parking standards, and there is no objection from the council's Transportation Manager on highway safety grounds subject to the TRO. It is therefore considered that the proposal accords with national and local transport planning policy.
- 8.23 In light of the objection regarding reference to the affordable apartments in the Transport Statement, there was an error in this statement. The development does not propose affordable housing units.

*Cycle Parking:*

- 8.24 The Managing Transport Impacts (Incorporating Parking Standards) SPG requires the provision for cycle parking at a minimum ratio of 1 space per bedroom. The application proposes 29 secure and covered cycle parking spaces at the west of the site to be used by residents. This amounts to 1 space per bedroom for the additional 15 units, in accordance with the SPG. There are also 2 secure and covered staff cycle spaces proposed within the south-west core and 8 Sheffield stands proposed along the public realm frontage. The existing site provides no formal cycle parking along the frontage. Whilst the number of cycle parking spaces proposed complies with the aforementioned SPG, further details on cycle parking provision will be required by condition.

*Servicing / Deliveries:*

- 8.25 Servicing and deliveries to the ground floor commercial units will occur within the rear lane along the western boundary (un-adopted highway), which will be accessed through security gates either side, with a one-way vehicular route. The applicant has confirmed that deliveries will happen "as and when required" by the individual commercial units, which are likely to be fairly infrequent based on the size and likely use/nature of each premises. The applicant states that the future occupants aren't known yet, as the units will likely be marketed during construction when a completion timescale is known. Tesco is however already established and won't change its delivery scheduling/arrangements, likewise with Waterloo Tea. The other units will have infrequent deliveries, and will be served by the rear access lane via its one-way system, with the delivery parking areas located to the rear of the commercial waste area. The limited size and number of units means that units 2-5 and 7 and 8 are likely to be served by small vehicles, no larger than transit vans or similar. Though unit 6 is larger, it is not expected it to be serviced by vehicles any larger than that either. Whilst it is considered unlikely that

multiple units will accept deliveries at once and there will be sufficient space for parking and manoeuvring, Transportation Officers wish to ensure that the operation of the Delivery/Parking area is suitably managed and does not result in safety concerns. As such, a Delivery/Servicing/Parking Strategy has been requested by condition, which will include details in relation to the lane and the management of parking, including the deliveries area.

#### **e. Other considerations**

- 8.26 Officers note the objection raised regarding the potential pressure that the development will have on local schools, which are suggested to already be near capacity. The Education Officer was consulted and confirmed that the calculated gross yield of pupils will be significantly below 1 child per year group. It was concluded that this will have a very little impact on local schools and any potential pressure on local schools can be already be absorbed by the existing arrangements.
- 8.27 There is no independent evidence to suggest that the development will lead to increased crime and anti-social behaviour. There is similarly no evidence to suggest that the proposed development will reduce the response times for the Fire Services.
- 8.28 Objections regarding the potential reduction in house prices are not a material planning consideration.

### **9. SECTION 106 REQUIREMENTS AND VIABILITY**

- 9.1 National Policy and CIL regulations outline the legal requirements for a valid Planning Obligation. Policy KP7 is also relevant and the Council's position reflects careful consideration of the national and local planning policy framework, together with relevant guidance contained within the Council's Supplementary Planning Guidance (SPG).
- 9.2 The total planning obligations requested amount to **£277,687**, broken down as follows and calculated in accordance with Council policy and guidance:
- **£241,570** towards off-site affordable housing
  - **£28,118** off-site towards Public Open Space
  - **£8,000** for a Traffic Regulation Order for be paid for proposed parking restrictions (double yellow lines) at the Carnegie Drive/Clearwater Way junction and the eastern side of Carnegie Drive.
- 9.3 To assist the consideration of planning obligations, the applicant provided a Viability Statement (August 2020) prepared by Savills which concluded the scheme to be unviable and does not generate any surplus to support any S106 contributions. In accordance with the established practice of obtaining an independent assessment of viability appraisals presented in support of planning applications, the Council commissioned the District Valuer (DV) to prepare an assessment of the viability appraisal. The DV's report, dated 16<sup>th</sup> December 2020, confirmed that the scheme cannot viably provide any policy requirements and the deliverability of the project is therefore a concern. It

should be noted that the report relates to the new build element only, but includes a commentary on the full scheme for clarity. Both outcomes came back as unviable.

- 9.4 Notwithstanding the viability exercise carried out by the applicant and verified by the District Valuer, the developer has agreed to provide a planning obligation contribution of **£25,000**. This will include the full amount for the TRO process (£8,000) and a contribution towards public open space (POS) of £17,000. The applicant wishes to make it clear that these amounts are offered on a without prejudice basis and would not necessarily remain 'on the table' should the application be refused.
- 9.5 Further to the advice of the Housing and Parks Officers, the planning obligation will also require a further viability assessment to be undertaken in the event that the construction of the development has not substantially commenced within 24 months of the issue of the planning permission to allow the financial contributions to be reassessed.
- 9.6 It is considered that the above planning obligation Heads of Terms fully satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations, and this offer is recommended to members of Planning Committee.

## **10. LEGAL CONSIDERATIONS**

- 10.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 *The Equality Act 2010* identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 10.3 *Wellbeing of Future Generations (Wales) Act 2016*: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable


impact upon the achievement of wellbeing objectives as a result of the recommended decision.

- 10.4 *Statutory pre-application public consultation:* The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.

## **11. CONCLUSION**

- 11.1 In considering the application, officers have sought amendments to reduce the scale and massing of the proposal and to introduce better quality materials. The proposed design is considered to be well executed and will result in a significant and necessary uplift in the character of the area. The proposal delivers 15 additional residential units in a sustainable location and will introduce a significant improvement to the streetscape. It is considered that the development will not harm the neighbouring occupiers living conditions. Further, the s106 contribution will improve road safety and will provide provision of new or improved open space in the locality.
- 11.2 It is therefore recommended that planning permission be approved subject to the completion of a legal agreement to secure the measures identified in Section 9, and the relevant conditions.



 denotes Site Ownership

Site Area 0.297 ha

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All site & ownership boundaries to be confirmed by client.

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Project  
Clearwater Way, Lakeside

Client  
Silvercrescent Developments

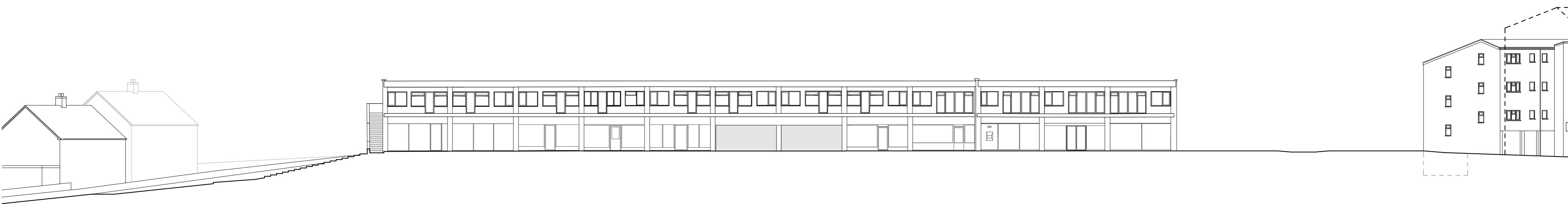
Drawing Title  
**Site Location Plan**

Date  
July' 19

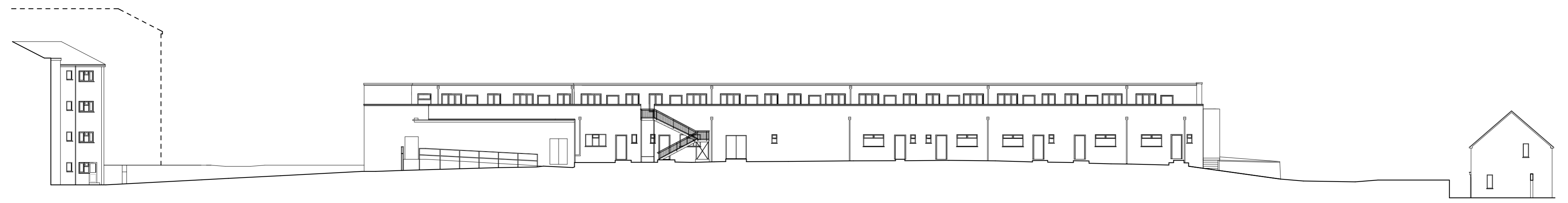
Scale  
1 : 1250 @ A4

Drawing No.  
3742 / PA / 001

Rev.



Front Elevation  
1 : 250



Rear Elevation  
1 : 250

| Rev. | Description         | Drawn | Check | Date     |
|------|---------------------|-------|-------|----------|
| P1   | Issued for comment. | HJ    | AH    | July' 19 |

**FOR APPROVAL**

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Project  
Clear Water Way, Lakeside

Client  
Silvercrescent Developments

Drawing Title  
Existing Front and Rear Elevations

| Job no.      | Org. | Zone | Level | Type | Role | Description | Status | Rev.    |
|--------------|------|------|-------|------|------|-------------|--------|---------|
| 3742         | PEN  | ZZ   | ZZ    | DR   | A    | 003         | S4     | P1      |
| Scale        |      |      |       |      |      |             |        | Date    |
| 1 : 250 @ A2 |      |      |       |      |      |             |        | Dec' 19 |

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

**IMPORTANT NOTE**

Elevations drawings produced using detailed survey ref:  
LAKESIDE SHOPPING CENTRE 2D

and using Elevation survey prepared by Zenith Land ref: '21122' dated: September 2018

Drawings to be read in conjunction with all other relevant project drawing.

Position of all existing in use and redundant drainage runs to be confirmed following further investigation.

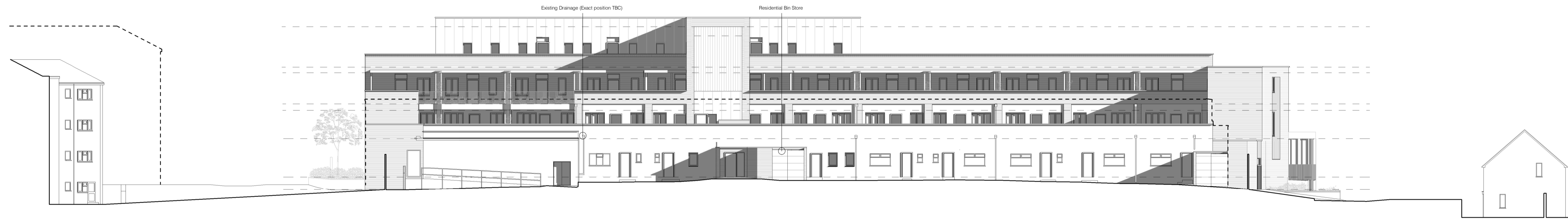
Position of any existing underground services to be confirmed following further investigation.

Location of all service inlet/ extract terminals & boiler flues not illustrated and to be confirmed following design and capacity requirements by specialist manufacturer.

All signage TBC and agreed subject to Local Authority Agreement



Proposed Front Elevation



Proposed Rear Elevation

**Material Key:**

**Walls:**

Proposed walls to be clad in brick slips as indicated in drawings. Recessed panels clad in brick soldier bond. Exact colour and bricks TBC. Existing walls to be re-rendered as indicated in drawings. Exact colour TBC. Top Floor and section of core external wall: Perforated sheet cladding. Brass colour or similar.

Parapet capping: Material and colour TBC. Colour to match canopy and railing details.

**Roofs:**

Flat Roof: Construction TBC to Engineers Specification.

Gutters and Downpipes: Specification per elevation TBC.

**Windows and Doors:**

Windows/ sills: Double Glazed. Colour and material TBC. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements.

Doors: Frame/ material and colour TBC as per elevation. Double glazed units with fenestration patterns as indicated. All ironmongery & locking mechanisms to comply with PAS24 2-12/2016 & Secured-by-Design requirements.

**Other:**

Service penetrations: Colour of all penetrations to match surface in which they are located. For clarity, no service penetrations are indicated. All service locations to be confirmed by M and E consultant and Local Planning authority.

Drainage: Indicative positions of existing drainage shown. Proposed drainage recorded on floor plans are indicative, following further investigation.

Canopies: Colour and material TBC. Waterproof membrane roof. Underside to be clad with Timber with integrated lights as per M and E specification. Steel posts to support canopy at second floor level colour as specified by structural engineer. Powder coated finish. Colour TBC. Timber posts to support canopy of unit 1A as specified by structural engineer.

Bin Stores: Curved walls enclosures to be formed in brick. Doors formed from sheet material to match perforated cladding. Security and Lighting to comply with Secured-by-Design requirements.

Bike Stores: External covered structure. Material TBC. Security and Lighting to comply with Secured-by-Design requirements.

Railing Detail: Powder coated finish. Colour TBC. Integrated planting and bespoke dimensions.

**IMPORTANT NOTE**

Elevations drawings produced using detailed survey ref: LAKESIDE SHOPPING CENTRE 2D

and using Elevation survey prepared by Zenith Land ref: '21122' dated: September 2018

Drawings to be read in conjunction with all other relevant project drawing.

Position of all existing in use and redundant drainage runs to be confirmed following further investigation.

Position of any existing underground services to be confirmed following further investigation.

Location of all service inlet/ extract terminals & boiler flues not illustrated and to be confirmed following design and capacity requirements by specialist manufacturer.

All signage TBC and agreed subject to Local Authority Agreement

|      |  |       |       |          |
|------|--|-------|-------|----------|
| P12  | Cladding material amended. Bin store doors amended. Core brick detail amended.   | JS    | HJ    | 25.09.20 |
| P11  | Mix updated. Landscape updated.  | HJ    | AH    | 14.08.20 |
| P10  | Shower rooms added in units. Gate shown in south west elevation. Window positions/panelling amended. Amenity space sub divided.            | HJ    | AL    | 07.08.20 |
| P9   | Mix updated.   | HJ    | AH    | 29.07.20 |
| P8   | Option D revised. Additional external seating added. Steps omitted and footway increased to 3m. Cafe glazing amended. Sliding doors added. | HJ    | AH    | 21.07.20 |
| P7   | Option D. A combination of Option A and Option C.  | HJ    | AH    | 08.07.20 |
| P6   | Option C. Issued to Planner.   | HJ    | AH    | 04.06.20 |
| P5   | Option C. A combination between Options A and B.   | HJ    | AH    | 19.05.20 |
| P4   | Revised Option B. Stepped Core Arrangement.  | HJ    | AH    | 12.05.20 |
| P3   | Revised Core Arrangement. Option issued to Planner as Option A.  | HJ    | AH    | 03.04.20 |
| P2   | Revised Option   | HJ    | AH    | 10.03.20 |
| P1   | Update gate position. Landscape updated.   | HJ    | AH    | 18.12.19 |
| Rev. | Description  | Drawn | Check | Date     |

**FOR APPROVAL**

**pentan**  
architects

22 Cathedral Road  
Cardiff CF11 9LJ  
t. 029 2030 9010  
info@pentan.co.uk

Project  
Clear Water Way, Lakeside

Client  
Sivercrescent Developments

Drawing Title

**Proposed Front & Rear Elevations**

| Job no. | Org. | Zone | Level | Type | Role | Description | Status | Rev. |
|---------|------|------|-------|------|------|-------------|--------|------|
| 3742    | PEN  | ZZ   | XX    | DR   | A    | 015         | S4     | P12  |

Scale: 1 : 200 @ A1 Date: Sept' 2020

NOTES: Do not scale. All dimensions are in millimetres unless stated otherwise







THE DISCOVERY

ADDITIONAL  
CAR PARKING  
AT REAR

SLOW





Elderly  
people  
Henoed





Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

## PETITION & LOCAL MEMBER SUPPORT

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/01629/MJR** APPLICATION DATE: 20/08/2020

ED: **BUTETOWN**

APP: TYPE: Full Planning Permission

APPLICANT: Willowmead Holdings Ltd

LOCATION: THE PADDLE STEAMER, LOUDOUN SQUARE, BUTETOWN, CARDIFF, CF10 5JB

PROPOSAL: PROPOSED DEMOLITION OF EXISTING STRUCTURES AND REDEVELOPMENT FOR AFFORDABLE APARTMENTS AND ASSOCIATED WORKS

**RECOMMENDATION 1** : That detailed consent be **GRANTED** subject to the applicant entering a **SECTION 106 AGREEMENT** to provide a financial contribution of £39,450 towards offsite open space and to secure the scheme as affordable housing and the following conditions:

1. TIME LIMIT

The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. APPROVED PLANS

The development shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan
- Existing Plan/ Topographical survey, Drawing number: 6719, Hywel John Surveys Ltd
- Proposed Ground Floor Plan, Drawing No. 1396 P01 Rev E, Architexture Architects
- Proposed First / Second Floor Plan, Drawing No. 1396 P02 Rev G, Architexture Architects
- Proposed Third / Fourth Floor Plans, Drawing No. 1396 P03 Rev F, Architexture Architects
- Proposed Roof Plan, Drawing No. 1396 P04 Rev D, Architexture Architects
- Proposed Elevations, Drawing No. 1396 P05 Rev H, Architexture Architects
- Proposed Elevations, Drawing No. 1396 P06 Rev F, Architexture Architects
- Site Layout Plan, Drawing No. 1396 P07 Rev F, Architexture

- Architects
- Proposed Sections, Drawing No. 1396 P08 Rev B, Architecture Architects
- Bat Scoping Survey, Ecological Services Ltd, February 2020,
- Bat Activity Survey, Ecological Services Ltd, July 2020,
- Noise Impact Assessment, Acoustic Consultants Ltd, March 2020
- Site Investigation, Johnson Poole & Bloomer, August 2020
- Written Scheme of Investigation, Cardiff Archaeology, June 2020

Reason: For the avoidance of doubt

3. MATERIALS

Notwithstanding condition 2, prior to the commencement of development (excluding demolition) samples of the external finishing materials shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

4. ARCHITECTURAL DETAILING

Prior to commencement (excluding demolition) of any elevation construction work, a scheme showing the architectural detailing of the depths of the reveals of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: To ensure a satisfactory finished appearance to the development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026)

5. BOUNDARY TREATMENTS

Notwithstanding condition 2, prior to the commencement of development (excluding demolition) details of the boundary treatment shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation.

Reason: To ensure a satisfactory form of development, in accordance with Policy KP5 of the adopted City of Cardiff Local Development Plan (2006-2026).

6. LANDSCAPING SCHEME

Notwithstanding the submitted plans no development (excluding demolition) shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme



- Details of hard landscaping;
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. The re-use of site won soil and in-situ soil must be based on a soil scientist assessment of the soil in the full knowledge of the landscape types proposed. Where imported planting soils are proposed, full specification details shall be provided, including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance (LDP Policy EN8).

7. **LANDSCAPE SCHEME IMPLEMENTATION**

Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 6.  
Reason: To maintain and improve the amenity and environmental value of the area (LDP Policy EN8).

8. **CONSTRUCTION MANAGEMENT PLAN**

No development shall commence until a Construction Management

Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period and should include details of:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used on constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Details of highways/footway closures;
- Wheel washing facilities;
- A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction;
- A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity, Policies KP5, T6, EN6, EN7 and EN13 of the adopted City of Cardiff Local Development Plan (2006-2026).

9. DRAINAGE ASSETS RISK ASSESSMENT

No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer adjacent to the development site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

10. STRUCTURAL CONDITION SCHEME OF DRAINAGE ASSETS

No development shall commence until a scheme demonstrating the distance and relationship of the development, for the protection of the structural condition of the 4 inch water main located adjacent to the northern boundary of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

11. ECOLOGICAL MITIGATION

The ecological mitigation and enhancement measures set out in

section 4 of the Extended Phase 1 Survey report provided by Ecological Services Ltd and dated September 2019 shall be implemented in full accordance with the approved details and the features shall be retained and maintained during the lifetime of the development.

Reason: To secure the protection of bats, which are European Protected Species, in accordance with Regulation 9 of the Conservation of Habitats and Species Regulations 2017 and in accordance with policy EN7 of the adopted Cardiff Local Development Plan (January 2016).

12. GROUND GAS PROTECTION

Prior to the commencement of any development works, except demolition and on completion of the investigation and monitoring of the site for the presence of gases\* being generated at the site, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced.

13. CONTAMINATED LAND MEASURES – ASSESSMENT

Prior to the commencement of any development works, except demolition, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as identified as required by the desk top study;

- (ii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets,
  - woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
  
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

\*A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

#### 14. REMEDIATION & VERIFICATION PLAN

Prior to the commencement of any development works, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment

Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

15. REMEDIATION & VERIFICATION

The remediation scheme approved by condition 15 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

16. UNFORESEEN CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be

reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

17. IMPORTED SOIL

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

18. IMPORTED AGGREGATES

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and

timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

19. USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan

20. LONG TERMS MONITORING PLAN

Prior to the occupation or operation of the development hereby approved, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.
- The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

21. BATS AND BIRD MITIGATION AND ENHANCEMENT

The recommendations in respect of precautionary measures and biodiversity enhancements measures set out in Section 8 the Bat Activity Survey Report provided by Ecological Services Ltd. dated July 2020 shall be implemented in full accordance with the approved details and the features shall be retained and maintained during the lifetime of the development.

Reason: To protect and enhance biodiversity in accordance with Policy LDP Policy EN7.

22. NOISE MITIGATION MEASURES

The following noise mitigation measures shall be undertaken in accordance with the measures set out in the submitted Noise Impact Assessment prepared by Acoustic Consultants Ltd, 17<sup>th</sup> March 2020 and retained in perpetuity including:

- External walls to the development are to be constructed to meet the minimum Sound Reduction Standards in Section 6.1, table 5.0 of 8225/JA dated 17<sup>th</sup> March 2020 completed by Acoustic Consultants Ltd;
- Roof Structure to the development shall be constructed to meet the minimum Sound Reduction Standards in Section 6.2, table 6.0 of 8225/JA dated 17<sup>th</sup> March 2020 completed by Acoustic Consultants Ltd;
- Window construction on all habitable rooms on all elevations of the development shall meet the minimum Sound Reduction Standards in Section 6.3, table 7.0 of 8225/JA dated 17<sup>th</sup> March 2020 and fitted with the outlined Ventilation Provisions of 6.4 and table 8.0 of the same.

Reason: In the interests of the amenities of future residents in accordance with Policy.

23. IMPLEMENTATION OF A PROGRAMME OF ARCHAEOLOGICAL WORK

No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in “Written Scheme of Investigation Archaeological Watching Brief” (Cardiff Archaeology, Report No.: WSI/766/20, dated 14th June 2020.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource. Constructions management plan

24. CYCLE PARKING

Prior to development commencing (excluding demolition) details showing the provision of cycle parking spaces, and appropriate access to them, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the sheltered and secure parking of cycles.

25. CROSSOVERS/FOOTWAY RESURFACING

The existing vehicle accesses/crossovers shall not be used and shall be permanently closed, and full height kerb re-instated, and the footway resurfaced. A new pedestrian crossover shall be provided in the south-west corner of the site. These works shall be implemented before the development is brought into beneficial use.



Reason: To ensure that the use of the proposed development does not result in any safety or pedestrian accessibility concerns.

#### ADVISORY/INFORMATIVE

**RECOMMENDATION 2:** New developments where the area covered by construction work exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life. The developer is reminded to obtain all necessary approvals ahead of the commencement of development.

**RECOMMENDATION 3:** The applicant is advised that section 3.25 of Planning Policy Wales states that the land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal. In this context and with regard to the Welsh Language (Wales) Measure 2011, it is recommended that: (1) developments adopt a Welsh name that is consistent with the local heritage and history of the area, (2) during the construction phase, on site marketing information (i.e. text on construction hoardings / flags / banners – as consented) be provided bilingually and (3) for commercial developments, shopfront / premises signage be provided in Welsh or bilingually. Where bilingual signage is provided, Welsh text must not be treated less favourably in terms of size, colour, font, prominence, position or location (it is recognised that Welsh translation does not extend to company / business names). Cardiff Council's Bilingual Cardiff team (BilingualCardiff@cardiff.gov.uk) can provide advice on unique and locally appropriate Welsh names for developments, bilingual marketing / branding and bilingual signage.

**RECOMMENDATION 4:** Natural Resources Wales recommends that developers should:

- i. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- ii. Refer to the Environment Agency's '[Guiding Principles for Land Contamination](#)' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- iii. Refer to the [Environment Agency's \(2018\) 'Approach to Groundwater Protection'](#)

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the [CL:AIRE Definition of Waste: Development Industry](#)

Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

**RECOMMENDATION 5:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- i. determining the extent and effects of such constraints;
- ii. ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- iii. the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**RECOMMENDATION 6:** The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and

Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

**RECOMMENDATION 7:** The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

**RECOMMENDATION 8:** The developer is advised to contact Cardiff Council Asset Management ([AssetManagement@Cardiff.gov.uk](mailto:AssetManagement@Cardiff.gov.uk)) for the necessary Highway licenses for any works to upgrade or amend the existing access which would directly abut the adopted highway.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application, as amended, seeks full planning permission for the demolition of the existing building and the redevelopment of the site for 28no. affordable residential flats within in a five storey building, with an element of three storeys to the southern elevation. The approximate dimensions of the proposed building are as follows:
  - Height at five storeys: 15.8m
  - Height at three storeys: 9.75m
  - Maximum Depth: 22m
  - Maximum Width: 27.5m
- 1.2 The north western corner of the proposed building at the first floor is splayed to add interest but also to accommodate a public sewer easement located in the public highway to the north. The upper floor above this corner will be cantilevered.
- 1.3 The building material palette includes grey facing bricks to external walls with stone window surroundings and banding, aluminium windows and doors, coloured grey, and glazed balustrading to the balconies. The roof will be a green roof construction. The proposed bin store will be a timber enclosure.
- 1.4 Hard landscaping will include asphalt and concrete paving. The soft landscaping is indicative at this stage and final details to be agreed at via a planning condition.
- 1.5 The boundary treatments will include the retention of the brick wall to the southern and eastern boundary. The northern and western boundaries will be demarcated by the proposed landscaping and potentially railings, final details to be agreed via planning condition.

- 1.6 The proposed residential mix includes the following units:
- 8 no. 1bed flats; and
  - 20 no. 2bed flats.
- 1.7 All the units will be a 100% affordable tenure and designed to meet Design Quality Requirements set by Welsh Government.
- 1.8 Within the building, each floor will accommodate the proposed residential apartments and a central core and circulation area, including stairs and 2no. lifts to access the upper floors. A total of 16no. apartments will have private balconies.
- 1.9 Externally there will be approximately 121m<sup>2</sup> of open space to serve the development, a cycle store for 42 bicycles, bin store and bulky goods refuse storage area. The scheme includes a planted perimeter to the site along Loudoun Square.
- 1.10 In terms of access to the scheme, the ground floor flats have individual access points, three of which are located to the northern western boundary along Loudoun Square and the remaining accesses are to the rear via the controlled gates in the south western corner of the site. The main entrance to the building is located centrally to the rear of the building and also accessed via controlled gates located. Access to the upper floor flats is via the central core of the building via stairs or lift. The amenity space, bicycle store and refuse storage areas are all accessed via the access controlled gates, to the rear of the proposed building.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application site is located on the south western corner of Loudoun Square, Butetown, immediately to the east of Canal Park and around 700m from the centre of Cardiff Bay and approximately 950m from Cardiff City Centre. The application site is also within approximately 160m of the Loudon Square Local Shopping Centre.
- 2.2 Immediately surrounding the application site are residential flats to the north and east (Loudoun Square) and south (Hodges Square). The flats to the north are separated from the site by the public highway. To the West is Canal Park which is also separated by public highway.
- 2.3 The application site itself is a rectangular parcel of land which comprises a former public house, known as the Paddlesteamer, with residential accommodation above. In recent years, the premise has been operated as a café, known as the Paddlesteamer Café, which has now closed. The building, at ground and upper floor, is now vacant. The building is two storeys and has low architectural merit with a varied roofscape including a mono pitch and a flat roof. The building materials include cream render and brick with uPVC windows.
- 2.4 The building is surrounded by hardstanding to the north and west and a

narrow path is located to the rear (south) and eastern side of the building. The site limits to the north and west is open, demarked by low-level bollards only. The south and east boundary comprises a brick wall. The site is predominantly flat.

- 2.5 In terms of access, there are two established vehicular access points to the north and west. Pedestrian access is freely available to the north and west.
- 2.6 In terms of the site's context, it is densely developed and has a varied built form. The housing stock in the area comprises a mix of two and three-storey terraced dwellings, three and four storey flatted blocks and high-rise blocks that either have pitched or flat roofs. Window design varies throughout the area in terms of size, shape and material, including oriel windows on some dwellings. There is no prominent materials palette for the area with a mix of buff, grey and red facing brick with varying decorative features such as cladding and render panelling. Boundary treatments are predominantly brick walls or railings.

### 3. **SITE HISTORY**

- 3.1 The relevant site history is listed below:

Application No : 04/00818/C  
Proposal : CHANGE OF USE FROM PUB TO COMMUNITY CAFE  
Application Type: FUL  
Decision : PER  
Decision Date : 26/05/2004

### 4. **POLICY FRAMEWORK**

#### National Policy

- 4.1 **Planning Policy Wales (PPW) (Edition 10, December 2018)**

- 4.2 The following **Technical Advice Notes (TANs)** are relevant:

- TAN 12: Design (March 2016)
- TAN15: Development and Flood Risk (July 2004)

#### Local Policy

- 4.3 **Cardiff Local Development Plan 2006-2026** (Adopted January 2016)

Key Policies:

- KP1: LEVEL OF GROWTH
- KP5: GOOD QUALITY AND SUSTAINABLE DESIGN
- KP6: NEW INFRASTRUCTURE
- KP7: PLANNING OBLIGATIONS
- KP8: SUSTAINABLE TRANSPORT
- KP12: WASTE
- KP13: RESPONDING TO EVIDENCED SOCIAL NEEDS
- KP14: HEALTHY LIVING
- KP15: CLIMATE CHANGE

- KP16: GREEN INFRASTRUCTURE
- KP18: NATURAL RESOURCES

#### 4.4 Detailed Policies:

- H3: AFFORDABLE HOUSING
- EN6: ECOLOGICAL NETWORKS AND FEATURES OF IMPORTANCE FOR BIODIVERSITY
- EN8: TREES, WOODLANDS AND HEDGEROWS
- EN10: WATER SENSITIVE DESIGN
- EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION
- EN14: FLOOD RISK
- T1: WALKING AND CYCLING
- T5: MANAGING TRANSPORT IMPACTS
- T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES
- C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION, CHILDREN'S PLAY AND SPORT
- C6: HEALTH
- W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN DEVELOPMENT

#### **Supplementary Planning Guidance (SPG):**

#### 4.5 Relevant SPG approved following the adoption of the Cardiff Local Development Plan:

- Waste Collection and Storage Facilities' (approved October 2016)
- Planning Obligations' (approved January 2017)
- Residential Design Guide' (approved January 2017)
- Managing Transportation Impacts (approved July 2018)
- Infill Sites (November 2017)

## 5. **INTERNAL CONSULTEE RESPONSES**

### **Ecology Officer**

- 5.1 The Ecology Officer raised no objection and agreed with the conclusion of the submitted Bat Survey Report. They requested that the recommendations of the Bat Report be secured via planning condition.

### **Trees and Landscaping**

- 5.2 The Tree Officer did not raise any objection to the 1no. tree on site being removed. They did, however, raised concerns with the level of planting and considered a more substantial soft landscaping scheme should be secured. Should the scheme be deemed acceptable, the Tree Officer requests that a landscaping scheme should be secured by condition.

### **Transportation**

- 5.3 The Transportation Manager has raised concerns regarding the level of cycle parking provided and advised that the provision should be 55no. spaces in accordance with the requirements of the Managing Transportation Impacts SPG. The majority of these spaces should be provided at ground level and

not in an upper tier to avoid accessibility issues. Additionally, the cycle spaces should have 0.5m spacing and an acceptable level of manoeuvring space to the front of the cycle store. Furthermore, the store must be fully secure to encourage use. The store as originally submitted did not meet the necessary requirements.

- 5.4 He advises that the proposed development does not need to provide parking given its location in the Central Area as defined by the Managing Transportation Impact Supplementary Planning Guidance. He also advised that the 2no. existing vehicle access points should be stopped up and the full height footway reinstated.
- 5.5 Initially, the Transportation Manager also requested that parking restrictions along the site frontage to enhance the highway safety was required and should be secured via a Traffic Regulation Order (TRO) which should be funded by the applicant and included within a Section 106 agreement. During the course of the application an extensive order restricting parking in the area was put in place and will be implemented shortly. This has negated the need for a TRO to be secured via this application.
- 5.6 Following the submission of the revised scheme the Transportation Manager has provided updated comments and maintains concerns regarding the level of cycle parking and also requested a condition relating to the cycle parking provision.

#### **Waste Management**

- 5.7 In their initial response the Waste Management Team advised the bin store proposed was not large enough to accommodate the recommended amount of bins and a designated area for the storage of bulky waste was not provided.
- 5.8 The Waste Management team commented on the revised scheme and confirmed the revised bin store and bulky waste storage area was sufficient.

#### **Parks**

- 5.9 The Parks Officer commented that the proposed development results in small areas of external space which are unlikely to enhance future occupier's amenity and needed to be appropriately designed and provide basic SuDs functions. The parks officer also requested a landscape proposal which included additional details included a scaled planting drawing.
- 5.10 In terms of open space provision, the parks officer requested an onsite provision of **0.12 ha** or an off-site contribution of **£39,450** to implement to infrastructure and recreational improvements. In this case, no on-site provision is being provided so a financial contribution is requested to be secured by Legal agreement.

#### **Land Contamination**

- 5.11 No objection, subject to conditions.

### **Noise Team**

5.12 No objection, subject to a condition.

### **Public Rights of Way Officer**

5.13 No objection.

### **Affordable Housing**

5.14 No objection.

### **Schools Services**

5.15 No financial contribution is sought from this development.

### **Neighbourhood Regeneration**

5.16 No contribution required.

### **Building Control**

5.17 No objection but provided formal notice served under section 81 of the Building Act 1984 with regard to the proposed demolition.

### **Drainage**

5.18 No comments received.

### **Air Team**

5.19 No comments received.

### **Air Quality**

5.20 No comments received.

## **6. EXTERNAL CONSULTEE RESPONSES**

### **Natural Resources Wales**

6.1 Natural Resources Wales (hereafter referred to as NRW) commented on the application in respect of land contamination, protected species, flood risk and foul water. Their response is summarised in respect of each topic below.

#### ***Land Contamination***

6.2 No objection subject to conditions.

#### ***European Protected Species***

6.3 The submitted Bat Survey Report states that no bats were identified to be using the buildings on the proposed development site and, therefore, NRW have no further comments to make in regards to bats.

#### ***Flood Risk***

6.4 The application site is located in Zone C1 and the proposal is for a residential use which is classed as highly vulnerable development. Whilst the application site is within a Zone C1 flood zone, NRW consider the risk of tidal flooding to the proposed development is negligible, as the site benefits from the presence of the Cardiff Bay Barrage. This operates in a flood risk capacity, providing significant protection to Cardiff from tidal flood risk.



### ***Foul Water***

- 6.5 NRW note that foul water disposal is to be via the existing mains sewer network and have no further comment on this matter.

### **Dwr Cymru Welsh Water**

- 6.6 No objection. Dwr Cymru Welsh Water (DCWW) have advised that the revised proposal is located adjacent to/within the 3m easement of a sewer and water main which must be taken account of in respect proposed development. To ensure sufficient protection of these assets DCWW have requested two conditions to secure a method statement and risk assessment.
- 6.7 DCWW confirm that foul water can be accommodated in existing sewer network and have no objection in principle to the point of connection proposed by applicant.
- 6.8 Surface water disposal is subject to SAB approval, however, DCWW note that should surface water be discharged via the existing surface water network (if agreed via SAB) then, due to the size and strategic nature of this asset, Welsh Water may seek to undertake the connection under Section 107 of the Water Industry Act.

### **Glamorgan Gwent Archaeological Trust**

- 6.9 No objection, subject to conditions.

### **South Wales Police**

- 6.10 No objection. The South Wales Police provided advice in relation to possible improvements to the design which would enhance the security of the development and reduce the risk of crime. The suggestions include provision of a 1.8m fence to the side and rear of the development, secure gates to the development, external lighting especially to cycle and bin store and secure cycle parking.
- 6.11 Some of the suggestions, such as window and door security and access control is outside of the remit of planning.
- 6.12 The comments have been forward to the applicant to consider further.

## **7. REPRESENTATIONS**

### **Neighbours/Other Representations**

- 7.1 There has been a letter in support received for the application from the local Councillor.
- 7.2 A petition of 248no. signatures has been received objecting to the proposed development stating '*Whilst we recognise the need for more social housing for the most vulnerable, we disagree that this needs to come at the expense of a vital and much-valued community space. We demand that the council engages with the community and adapt the plans in order to secure*

*ground-floor units that can continue to provide such a much-needed space for local residents’.*

7.3 In addition to the petition. 345no. objections have been received from the general public and other interested organisations including the following:

- Race Alliance Wales
- Taff Housing Association
- Somaliland Mental Health Support Organisation
- Noor-El-Islan Mosque and Community Centre
- Tiger Bay Boxing Club

7.4 These representations raised by the general public and interested organisations can be summarised as follows:

- The café is an important facility for the local community, especially Somali and Yemeni community
- The café is well located for the local community
- The proposal fails to meet the requirements of Key Policy 13
- Loss of the café is against aims of LDP by losing a food and drink establishment as well as a community hub
- A replacement A3 use should be secured as part of the new development as well as housing at the site
- No evidence has been provided to demonstrate why the A3 use cannot be retained
- Other similar A3 facilities do not have capacity to replace the Paddlesteamer Café
- Affordable housing is needed but not at the expense of the community facility
- This proposal will predominantly affect the BAME community
- The proposal fails to meet the requirements of Policy H6
- The development is in conflict with Policy R5 of LDP
- The loss of the cafe will result in the loss of employment of the existing staff
- It is not clear if the public consultation undertaken by Cardiff Council was undertaken in different languages
- There has been no consultation regarding this development
- The decision makers should be willing to engage
- The community has little say in the redevelopment and so the application is premature
- Concerns raised during the PAC process are not dealt with
- It is not clear if an equal opportunities assessment been undertaken in accordance with the Equality Act in relation to the loss of the café;
- The proposed housing will cause increased tensions in the community by increased pressure on existing infrastructure
- Additional pressures on community infrastructure
- The type of housing is unsuitable and family housing should be developed with gardens
- This development will dilute the history of the area, which has already occurred In Cardiff Bay

- The community facility/site has historic importance to community
- This will result in an oversupply of affordable housing especially given the unfilled student accommodation
- Adverse impact on traffic and air quality
- Not a suitable location to develop
- The proposed development would result in loss of light from adjacent properties
- The development would be over development
- The proposed development does not provide any outdoor space
- Due to no parking provision the development will exacerbate existing lack of parking provision in the area
- Impact on construction traffic will be dangerous especially given location of site adjacent to Canal Park
- The proposed development does not accord with the future well beings Act
- The proposal lacks vision and is uninspiring
- Red Sea House (Taff Housing facility) has a contract with the Paddlesteamer Café to provide food to and this facility would be lost which would have a negative impact on the tenants of Red Sea House
- The café has been a hub for charities and to provide disaster relief
- The café has reduced crime by allowing the police use of its CCTV footage
- The loss of the café would affect the socialising of young and elderly persons in the community

7.5 Please note, the responses from third parties and the listed organisations have been summarised for the purposes of this report, full responses are available to be viewed on the Cardiff Council website, link:

[https://planningonline.cardiff.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=\\_CARDIFF\\_DCAPR\\_131759](https://planningonline.cardiff.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=_CARDIFF_DCAPR_131759)

## 8. **ANALYSIS**

### **Principle of Development**

8.1 The application site is located within the settlement boundary as defined by the adopted Local Development Plan (hereafter LDP) and has no formal policy designation. There is a presumption in favour of development of sites within settlement providing the proposal accords with all relevant planning policies and material planning considerations

8.2 In this case, the relevant policy is PPW10 and Policy H6 of the LDP which relates to the change of use or redevelopment of previously developed land for residential use.

8.3 PPW10 favours the re-use of brownfield land for alternative uses (para. 3.51) especially in whereby the proposed redevelopment will promote sustainably principles. The development of the site fully accords with these requirements.

8.4 Policy H6 is a criteria based policy which requires the following to be met in order to satisfy the policy. The relevant criteria are addressed in turn below.

***i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;***

8.5 The application site is currently in use as an A3 use (café) at ground floor and residential accommodation at upper floor level. These uses, including the A3 use, are not protected at this location by a policy designation. No overriding need in planning policy terms to retain the existing use, therefore, exists. The loss of the café is addressed separately below for completeness under sub-heading 'Loss of A3 Use (Café)'.

***ii. The resulting residential accommodation and amenity will be satisfactory;***

8.6 The proposed residential accommodation and the amenity of future occupiers has been assessed and it is concluded the proposals are satisfactory. Full discussion on this consideration is below under sub-heading 'Residential Amenity'.

***iii. There will be no unacceptable impact on the operating conditions of existing businesses;***

8.7 Criterion iii) seeks to ensure that the introduction of residential development at a site would not unduly affect the operation of existing employment uses in proximity of the site. There are no employment uses in the vicinity of the site which would be adversely affected by the introduction of intensified residential use at the application site.

8.8 It is acknowledged that representations made in respect of the application have indicated the development will result in the loss of the café which employs staff. The existing or previous use, however, is not a protected employment use in planning terms and thus not afforded the protection of employment policies (i.e. Policy EC3 does not apply).

***iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and***

8.9 The application site is in a highly sustainable location. The Bute Street and Loudoun Square local centre is approximately 160m from the application site which has a range of services including, but not limited to, a medical centre, pharmacy, convenience store, takeaway outlets which are easily accessible on foot. The Butetown community centre is 120m to the north and Canal Park, a large recreational space with formal and informal facilities, is directly opposite the application site. The nearest bus stop 160m and has regular services to the city centre and local area. Cardiff Bay Train Station is less than 500m to the south east. Cardiff Central Railway Station is less than 1km to the north, as is the city centre. The centre of Cardiff bay and Cardiff City centre are 800m and 950m away, respectively.

8.10 A high level of community and transport facilities are accessible from the proposed development by foot in accordance with the requirement of criterion iv.

***v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.***

- 8.11 As discussed later in this report under 'Ground Conditions', the redevelopment for the site would not have an unacceptable risk to the end users, subject to conditions relating to remediation works and verification of such works. The relevant conditions are imposed as listed earlier in this report.
- 8.12 The proposals has been thoroughly assessed against the criteria of Policy H6 and it has been demonstrated the proposed re-use of the site for a residential use accords with the criteria and complies with Policy H6.
- 8.13 It is concluded that redevelopment of the site for residential uses accords with relevant national and local planning policy and, therefore, the principle of development is established.

**Loss of the Existing A3 Use (Café)**

- 8.14 It is recognised that the existing café was well frequented and serves a purpose within the community. The extensive responses to the application primarily objecting to, but not limited to, the loss of the café are acknowledged and have been considered fully in the assessment of this application. It is understood from the applicant that the café, since the submission of the application, has closed permanently. The closure of the café was not directly related to this application, however, inevitably the closure of the café would have been necessitated should this application be approved.
- 8.15 Despite the level of local opposition, the Local Planning Authority must consider the planning application against the material planning considerations and in the consideration of the relevant planning policies. In this case, the lawful use of the café is an A3 use and, therefore, it is not afforded protection by planning policy to prevent its loss to other uses since it is not in an identified retail centre.
- 8.16 It is acknowledged that representations to the application have suggested the café provides a community hub to enable a meeting place which is well used by members of the Somali and Yemeni community which cannot be accommodated elsewhere in the community. The representations indicate that the café is an important local place for the community and, therefore, akin to a community facility. The lawful use, however, is not a community facility and so it is not reasonable or justified for the Local Planning Authority to apply policy C2 (which relates to the protection of community facilities) to this application.
- 8.17 It is regrettable that the café cannot be retained especially given the strength of local resident's objections when the application was initially submitted. The Local Planning Authority must, however, act within its scope of power and in this instance there is no mechanism within their gift to secure the retention of the existing café or its replacement within the new development. To insist

on a replacement facility, would be unreasonable and not in accordance with the LDP policies.

- 8.18 It is acknowledged that some representations have indicated the loss of the café would result in a loss of employment for the staff. As discussed above, the existing use is not an employment use in planning terms.
- 8.19 The loss of the existing café in planning terms is acceptable and in accordance with planning policy. The Local Planning Authority cannot substantiate an objection to the application on the grounds of the loss of the A3 use and, therefore, must conclude that the loss of the existing A3 use is acceptable.

### **Good Design and Place-making**

- 8.20 The place-making goals of Planning Policy Wales (hereafter PPW10) and Policy KP5 of the adopted LDP require development to be good quality, designed sustainably and to make a positive contribution to the creation of distinctive communities. This should be achieved by, amongst other things, development responding to the local character, being sustainably located, providing well connected spaces which are distinctive, making best use of land and providing a responsive design which includes waste solutions, water management and suitable parking provision as well as amenity space.
- 8.21 The proposed site is an under-utilised brown field site, accommodating a building of low architectural merit and is in a highly sustainable location. The site represents a prime opportunity for a sustainable development with regeneration benefits. The site also occupies a key corner plot which fronts onto Loudoun Square and Canal Park providing an opportunity to provide a high quality focal scheme which relates well to the streetscene and wider townscape.
- 8.22 The scheme as initially proposed was not considered to be acceptable in place-making terms broadly for the following reasons:
- The scheme was too dense and represented an overdevelopment of the site which, in turn, resulted in an adverse impact on adjacent neighbouring properties;
  - The proposed design did not respond well to the setting of the site, which has a dual aspect onto Loudoun Square and Canal Park; and
  - The proposed on-site amenity space was uninviting for future residents.

After negotiation, a revised scheme was provided which responded more positively to the site and its surroundings. The changes can be summarised as following:

- Reduced density;
- Additional landscaping to the streetscene;
- Provision of balconies to the majority of apartments;
- Increased separation from neighbouring properties;
- Improved elevation design and architectural detailing which responds better to the site's position; and

- A high quality materials palette.
- 8.23 The revised scheme, subject to this report, is discussed in more detail against the policy requirements.
- 8.24 The revised scheme in place-making terms is an appropriate density for the area, it represents an efficient use of a brownfield site which regenerates the site to enhance the local area and proposes a well-designed, high quality development providing much needed affordable homes. The scheme promotes a car-free development preventing increased vehicle trips and associated pollution and taking advantage of the highly sustainable location which has services, facilities and open space within a short distance.
- 8.25 Whilst the appearance of the proposal is modern and not a replication of the wider streetscene, this is considered to work well given the varied design and types of properties in the locale, as discussed earlier in respect of the application site's context. Despite the differing outward appearance, the proposal has taken cues from the surrounding built form by proposing a similar tone of colours in materials palette to assist with its integration into the streetscene.
- 8.26 Additionally, the scheme introduces landscaping to the site peripheries, which remains in keeping with the surrounding context which has intermittent landscaping in an otherwise hard urban setting. The landscaping proposed softens the appearance of the building in the streetscene whilst also offering an improved visual transition from Loudoun Square to Canal Park. The scheme also includes a green roof to assist in the surface water strategy.
- 8.27 The apartments proposed are spacious, provide private amenity space for the majority of units and provide 28no. accessible apartments to address housing need in the community. The scheme also provides the necessary infrastructure to support the scheme including a suitability sized bin store, a cycle store and provision within the building for the necessary plant and equipment to serve the proposed building.
- 8.28 The revised proposals have addressed the initial concerns raised and is considered to accord with Policy KP5 and the place-making principle of PPW10 and promotes an acceptable development which supports positive place-making.

### **Residential Amenity**

- 8.29 Policy KP5 of the LDP requires development to, amongst other things, have no undue effect on neighbouring amenity and connect positively with the existing community. The Residential Design Guide and Infill Sites Supplementary Planning Guidance's provides guidelines in relation to the protection of residential amenity which should be considered where possible.
- 8.30 The application site is in a built-up residential area with existing properties located in proximity to the site, with the nearest properties being:
- 31- 48 Hodges Square to the south;

- 20-28 Loudoun Square to the east; and
- Linked dwellings no. 7 to no. 19b Loudoun Square

8.31 The impact of the development on these dwellings will be discussed in more detail below.

***31- 48 Hodges Square to the south***

8.32 No. 31 to 48 Hodges Square is a four storey block of flats located to the south of the application site. The proposed building at its closest is three storeys, with a maximum of 9.75m in height, and offset by a separation distance of approximately 13.7m. The five storey element of the proposed building is approximately 15.8m in height and offset from the Hodges Square flats by 21m.

8.33 In terms of overlooking, the three storey element, which has a lesser separation distance (of 13.7m) has 2no. angled windows which serve a second bedroom on the south elevation, nearest to the Hodges Square flats. Due to the angled nature of the windows and on the basis that half of the window will be opaque, views towards Hodges Square are prevented and views from these 2no. second bedrooms are directed toward Canal Park. This window design ensures no adverse overlooking into the Hodges Squares flats to the south. The five storey element of the build is offset by 21m which is an acceptable distance to ensure no adverse overlooking impact on the Hodges Square flats.

8.34 In terms of any overbearing impact, the proposed building is larger than the existing building and will have an impact on some of the flats within the Hodges Square development. It is necessary, therefore, to assess whether the extent of the impact would be harmful.

8.35 The bulk of the proposed building has been carefully designed to ensure it is 21m away from the Hodges Square flats, this separation distance is considered sufficient to prevent an overbearing relationship or adverse impact on ambient light.

8.36 The three storey element of the building has a lesser separation distance, however, this portion of the building only extends to 10m of the 27.5m proposed building width thus lessening its impact. Furthermore, due to the positioning of the proposed building forward of the end gable of the Hodges Square flats, only 7.5m of the three storey portion of the proposed building will directly face the Hodges Square flats, thus further limiting the likely impact and reducing any potential overbearing impact.

8.37 In terms of the impact of the three storey element on ambient light, there are a small number of windows on a limited section of the ground floor of the Hodges Square flats which would not meet the 25 degree rule, thus the proposal would affect ambient light to these windows. Failing to meet the 25 degree rule in itself does not indicate the development is unacceptable but further consideration is required. In this case, the area is a dense urban setting where such relationships between the built form is not uncommon, for



example, north-east of the application site are no. 1-5 Loudoun Square, which are two storey dwellings, which have a rear aspect approximately 8m from the end gable of three storey flat block. The proposed relationship is not out of character for the area. Furthermore, the Hodges Square flats are located south of the application site and so the development would not affect their access to sunlight. On balance, given the limited number of windows affected together the context and orientation of the development, it is considered the impact will be limited and not to an extent which would warrant refusal of the application.

***20-28 Loudoun Square to the east***

- 8.38 No. 20 to no. 28 Loudoun Square are contained within a three storey 'T' shaped building (hereafter referred to as the Loudoun Square flats) and the closest element of building is a blank gable, approximately 3.5m from the proposed building. The nearest window of the adjacent block is approximately 12.3m away from the proposed building at its closest.
- 8.39 The offset of the proposed building is similar to the existing building and whilst the existing building is two storeys to the front, its scale is similar to the adjacent three storey building. The rear of the existing building is single storey and fills the south eastern corner of the site. The proposed building will be offset a similar amount to the existing building, adjacent to the blank gable of Loudoun Square flats. It would, however, be approximately 4m taller and positioned approximately 5.8m forward of the existing building.
- 8.40 The proposed building, whilst larger in scale and footprint, is positioned towards the front of the site resulting in the main bulk of the building being in line with Loudoun Square flats, thus preventing an overbearing impact. It is acknowledged that the proposed building's position would have a greater impact on the front of the Loudoun Square flats than the existing building. The Loudoun Square flat block, however, is set within an open area benefitting from its own landscaped gardens to the front with a depth between 4.5m to 7.5m and also directly opposite a large area of open space associated with Loudon House and Nelson House. Given the established openness of the front aspect of Loudoun Square flats, it has a greater capacity to accommodate the proposed building's position without it resulting in an overbearing or oppressive impact.
- 8.41 In terms of overlooking, the proposed elevation overlooking the Loudoun Square flats has 2no. windows per floor, which are secondary windows serving a living/dining/kitchen space. These windows have been carefully positioned centrally to face onto the blank gable end of the adjacent block. The windows on the side elevation which are closest to the front of the building, however, will sit partially forward of the blank gable. Whilst the overlap is minimal and unlikely to result in overlooking, to protect the neighbours in the Loudoun Square flats from any perception of overlooking these windows will be obscured and fixed. Given these windows are secondary windows to the proposed living space it is not considered this would have an adverse impact on the future amenity of future occupiers of the proposed development.

- 8.42 The proposal is considered to have an acceptable impact on nos. 20 to 28 Loudoun Square.

***Linked dwellings no. 7 to no. 19b Loudoun Square***

- 8.43 19B is located to the north of the site and the end of a terrace of linked properties (no. 7 to 19B). No. 19B is separated by the public road with an offset distance of approximately 15m, and is side-on to the application site with a blank side gable being the facing elevation to the application site. There is no adverse overlooking or overbearing impact on this property itself or the linked properties to the north of it.
- 8.44 There is a balcony and bedroom window on each floor which will face towards the garden of no.19B. The balcony, however, is built into the building envelope and small in size and would, therefore, have a similar impact to a window. It is considered that due to the offset distance of the windows and balcony from the rear gardens it would not have an adverse overlooking impact and would offer a greater offset than the typically accepted 10.5m separation distance advocated by the Residential Design Guide SPG
- 8.45 In terms of overbearing impact on the rear garden of 19B, the proposed building is located between 14.5m to 18.5m away and at an angle from the southern western portion of the garden, given that the application site is a corner plot. Due to the offset and position of the proposed building, it is not considered it will have an overbearing impact or detract from the amenity of the garden of no. 19B or the dwellings beyond to the north.

***Future Occupier Amenity***

- 8.46 The proposed flats are spacious and would provide a high quality living space for future occupiers. Additionally, 16no. flats would have access to private balconies. Of the 12.no flats without balconies, six will have Juliette balconies (the upper floor flats) and all of the flats have convenient access to Canal Park, which is directly opposite the application site. There is also a small amount of amenity space onsite which could be utilised, however, it is expected that Canal Park would offer a more inviting setting. The proposed units are considered to offer a good level of amenity for future occupiers.
- 8.47 To conclude on residential amenity, the impact has been assessed carefully and whilst the proposed scheme will bring about change to the site by increasing the density and scale of the built form, it is considered the proposal has been carefully positioned and designed to avoid an adverse impact as far as possible. Any impact which has been identified and discussed above has been deemed not to be harmful to neighbouring properties to an extent which warrants refusal of the application. On balance, the proposed scheme is considered to have an acceptable impact and would offer a long term, suitable beneficial use, compatible with the neighbouring properties.

**Flood Risk**

- 8.48 The site is in a Zone C1 floodplain. LDP Policy EN14 relating to Flood Risk together with national planning policy TAN 15 are, therefore, relevant. The

proposal relates to 28no. residential flats, which is highly vulnerable development, in a C1 floodplain. It is, therefore, necessary to consider whether the proposal satisfies the tests outlined in TAN 15 to justify vulnerable development in the C1 floodplain and whether the criteria in Policy EN14 is met. These policy requirements will be addressed below.

8.49 The TAN 15 justification tests are extracted below and discussed in turn.

***Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement***

8.50 The application site is in the urban area of Butetown and will regenerate a currently under-utilised parcel of land which has recently become vacant.

Or

***Its location in zone C is necessary to contribute to key employment objective supported by the local authority, and other key partners, to sustain an existing settlement or region;***

8.51 Not applicable since i) is met.

And:

***iii. It concurs with the aims of PPW and meets the definition of previously developed land.***

8.52 The site is previously developed in accordance with the definition included in Planning Policy Wales 10.

***iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable***

8.53 NRW has assessed the proposed development and concluded that the site has a negligible risk of flooding since it is afforded the protection of the flood defence measures offered by Cardiff Bay Barrage.

8.54 It is concluded the potential consequences of flooding as a result of the development are acceptable in accordance with criterion iv. of TAN 15. The development has also been considered against the criteria of Policy EN14 and the proposals will not result an unacceptable flood risk and accords with national policy, as discussed above. The proposed development is, therefore, acceptable in terms of risk of flooding

### **Highway Impact**

8.55 Policy T1 and Policy KP5 of the adopted LDP requires new development to be safely accessible and to enable people to access essential services, community facilities and employment opportunities on foot or by bicycle. Policy KP14 seeks to encourage healthy living by encouraging active travel, as well as other things.

- 8.56 The proposed development will be car free and, therefore, does not include a vehicular access point or parking provision. This approach supports the authority's ambition of a modal shift of 50:50 towards sustainable travel given the site's highly sustainable location and is in accordance with the guidance set out in the Managing Transportation SPG.
- 8.57 The proposal includes provision of 42no. bicycles spaces within a two tier storage structure. This is 6no. spaces short of the required level of cycle parking (of one space per bedroom) as defined by the Managing Transportation Impacts SPG. The Highway Authority has raised concern with the shortfall in cycle parking and also the suitability of the proposed cycle parking enclosure, which is an open sided structure.
- 8.58 Whilst ideally the development would provide the maximum spaces, due to the constrained nature of the site it is not possible to provide additional cycle spaces. It is, therefore, necessary to assess the harm of the reduced level of cycle spaces and whether it warrants refusal of the application. The application site is in a highly sustainable location, as discussed above. The majority of shops, services and facilities are within 160m walking distance. Additionally, the city centre is approximate 950m to the north of the site, an approximate walking time of 12 minutes (based on an average walking speed of 20 minutes per mile) and Cardiff Bay centre is approximately 800m away and an 11 minute walk. PPW 10 advocates that the Sustainable Transport Hierarchy should be used to reduce the need to travel by car. Applying the Sustainable Transport Hierarchy to this development, it is clear that the proposal prioritises sustainable forms of transport in the form of walking, cycling and public transport. The distances of local facilities are minimal and would not prohibit walking as a legitimate mode of transport. Indeed, in accessing Loudoun Square walking is likely to be the most convenient mode. Given the sustainable location of the site together with the provision of a significant number of cycle parking, the deficit of 6no. spaces would not encourage future occupiers not to opt for sustainable modes of transport and does not undermine the sustainability of the scheme overall or the aims of a 50:50 modal shift. Despite the cycle parking shortfall of 6no. spaces, the proposal still accords the Sustainable Transport Hierarchy of PPW 10, Policy KP5, Policy KP14 and Policy T1.
- 8.59 In terms of the design of the cycle store, a condition is imposed requiring the final details to be agreed to ensure the final structure is fit for purpose and acceptable.
- 8.60 During construction there is likely to be short-term temporary impact which may affect the local highway network. To prevent an adverse impact a Construction Management Plan will be conditioned.
- 8.61 The highway implications of the development are considered to be acceptable and in accordance with policy.

### **Ecology Considerations**

- 8.62 Policy EN6 requires the protection of ecological networks and features of importance for biodiversity.
- 8.63 The existing site is a brownfield parcel of land which currently accommodates a building which is surrounded by hard standing. The only notable natural feature within the site is a tree located to the north eastern corner.
- 8.64 The application was supported by a bat scoping and bat activity survey which concluded that there was no evidence of bats at the applicant site.
- 8.65 The ecology officer has assessed the application and raised no objection and agreed with the conclusion of the submitted Bat Survey Report. NRW also raised no concerns in relation to protected species.
- 8.66 The site, therefore, has limited ecological value. Despite this, the PPW 10 requires development to have a net benefit for biodiversity and, therefore, the proposal must provide biodiversity enhancements. The bat activity survey recommends 6no. bird boxes and 2no. bat boxes are integrated into the proposed building. This recommendation will be secured via planning condition. The scheme also introduces landscaping around the building which will also offer some ecological benefit.
- 8.67 The proposed development does not impact on biodiversity and will offer enhancements representing a net gain in biodiversity value at the site in accordance with PPW10 and Policy EN6.

### **Impact on Trees**

- 8.68 Policy EN8 requires the protection of trees which are of significant public amenity value or contribute significantly to the effects of climate change.
- 8.69 There is 1no. tree within the site limits which is of visibly poor quality. Whilst the application is not accompanied by a Tree Survey the tree officer considers the tree likely to be a category C and, therefore, not a constraint to development. Its loss is compatible with Policy EN8.
- 8.70 Although the tree officer has not raised an objection to the loss of the tree, they have indicated that the extent of landscaping proposed should be increased. Whilst these comments are acknowledged, given the size of the site and the development proposed, an increase in soft landscaping is not possible. Given the urban setting of the site, the level of soft landscaping is compatible with the surrounding area would result in a net increase in landscaping compared to the existing site.
- 8.71 The proposed landscaping, subject to a condition agreeing the final details is acceptable in the context and in accordance with Policy EN8 and Policy KP5.

### **Noise Impact**

- 8.72 Policy EN13 prohibits development which would result in an unacceptable harm to as a result of, amongst other things, noise.

- 8.73 The application is supported by a noise impact assessment which concludes that the main noise sources at the application site is due to road traffic noise. A noise survey has been completed on the site in accordance with TAN11. The site falls into noise exposure category B and, therefore, requires basic noise mitigation measures to minimise internal ambient noise levels.
- 8.74 The Shared Regulatory Service has assessed the application and raised no objection subject to conditions to secure the necessary mitigation measures the ensure internal noise levels for future occupiers is acceptable and ensures their amenity is protected.
- 8.75 The proposed development, subject to a condition to secure noise mitigation measures, is acceptable and accords with Policy EN13.

#### **Drainage Considerations**

- 8.76 Policy EN10 requires the development to include sensitive urban drainage solutions which successfully managing foul and surface water arising from a development.
- 8.77 The application indicates that the foul water will connect to the mains sewers. DCWW have commented on the application and confirmed there is sufficient capacity in the existing network to accept the foul flows from the proposed development. DCWW have also indicated that due to the proximity of the development to a public sewer and water main that 2no conditions are required to ensure the proposed development does not harm these drainage assets. These conditions are imposed and detailed at the start of this report.
- 8.78 In terms of surface water, the proposed development will require SAB consent since the construction area is over 100m<sup>2</sup>. The SAB consent is a separate process to the planning process and will need to be obtained prior to works commencing. Whilst the drainage officer has not responded to the application, the applicant has confirmed that pre-application discussions have taken place with the SAB Team who have indicated that the drainage proposals, in-principle, are likely to meet the requirements of the SAB process.
- 8.79 The proposed development is considered to accord with Policy EN10 and the surface water disposal will be subject to full consideration via the SAB process.

#### **Waste Management**

- 8.80 Policy KP5 and Policy W2 requires development to have appropriate space and facilities for waste management. The scheme provides a bin store which has been assessed by the waste management department and they raise no objection. The scheme is acceptable in this regard.

#### **Ground Conditions**

- 8.81 Policy EN13 requires development to have an acceptable impact on human health by ensuring, amongst other things, that there is not an unacceptable level of ground contamination. Policy H6 requires changes of uses of land to

sensitive uses, such as residential development, to ensure there is no adverse impact in terms of ground contamination which may affect the health of future occupiers.

- 8.82 The application is supported by site investigation report including a detailed assessment of risks to human health and the environment from potential ground gas and contamination affecting the site. The site investigation has identified exceedances in relation to harmful substances. There is, therefore, a need for further site based investigation once the building on site has been demolished to determine the extent of contaminants identified to date. Additionally, the site investigation indicates that ground gas monitoring has commenced and is ongoing. The initial results of the ground gas monitoring has, however, identified the need for ground gas protection measures.
- 8.83 Whilst the site investigation has indicated contaminated ground conditions, it has also identified remediation measures which will can be employed to prevent harm to human health. The additional investigative work required, remediation measures and future verification of remediation works can be secured via planning condition.
- 8.84 The Shared Regulatory Service has assessed the application in the context of ground conditions and raised no objection, subject to planning conditions. They advised that the conditions should be amended to allow demolition to ensure the further site investigative works are comprehensive. The recommended conditions have been imposed.
- 8.85 The ground conditions at the site have been assessed and, whilst there are exceedances in harmful substances, remediation measures are possible to ensure no adverse impact on the end user. The proposed development, subject to conditions, accords with Policy EN14 and Policy H6.

### **Archaeology**

- 8.86 PPW10 Chapter 6 requires development to protect, amongst other things, the historic environment including archaeological remains.
- 8.87 In this case, the application is not in an archaeologically sensitive area, however, it lies in an area of a known historic dock where below ground archaeological resource may exist. The application is supported by a Written Scheme of Investigation: Archaeological Watching Brief which recommends an archaeological programme of work, in order to mitigate the impact of the development upon the potential archaeological resource. Glamorgan Gwent Archaeological Trust has been consulted and they have raised no objection to the proposed development subject to a planning condition to secure an archaeological programme of works.
- 8.88 The proposed development, subject to condition, can conserve archaeological remains in accordance with the requirements of Chapter 6 of PPW10.

### **Response to Third Parties**

- 8.89 The concerns raised by third parties have been addressed through the overall

assessment of the proposal, however, for completeness and for avoidance of doubt they are addressed in turn below. Please note, the concerns noted in respect of the submitted petition is similar to the concerns raised in the other representations, as such the petition concerns are considered to be addressed in the discussion below.

- ***Important facility for the local community, especially Somali and Yemeni community***
- ***The café is well located for the local community***
- ***The proposal fails to meet the requirements of Key Policy 13***
- ***Loss of the café is against aims of LDP by losing a food and drink establishment as well as a community hub***

8.90 It is clear from the comments received in relation to the application that the cafe was, when open, an important location for the local community. The café is not, however, a community facility in land use terms, as discussed earlier in this report.

- ***A replacement A3 use should be secured as part of the new development as well as housing at the site.***

8.91 Given the existing A3 use is not afforded any planning policy protection, the planning authority cannot insist on an A3 use being incorporated into the proposed development.

- ***No evidence has been provided to demonstrate why the A3 use cannot be retained***

8.92 There is no requirement in planning policy to evidence why the A3 use is not being retained, since it is not a use protected by policy.

- ***Other similar A3 facilities do not have capacity to replace the Paddlesteamer Café***

8.93 The capacity of other A3 facilities to accommodate the current café is not a relevant consideration in the context of this planning application.

- ***Affordable housing is needed but not at expense of the community facility***

8.94 The A3 use of the site is not, in planning terms, a community facility, as discussed earlier in this report. As such, the provision of the affordable housing is not, in planning terms, resulting in the loss of a community facility.

- ***This proposal will predominantly affect the BAME community***

8.95 The loss of the café has been assessed in accordance with the relevant planning policy and deemed acceptable.

- ***The proposal fails to meet the requirements of Policy H6***

8.96 As discussed at length earlier in this report, the proposals meet the requirements of Policy H6.



- **Development in conflict with Policy R5 of LDP**
  - **The loss of the cafe will result in the loss of employment of the existing staff**
- 8.97 The café is not a protected employment use, as discussed earlier in this report.
- **It is not clear if the public consultation undertaken by Cardiff Council was undertaken in different languages**
- 8.98 The public consultation in relation to the planning application was undertaken in accordance with the legislative requirements.
- **There has been no consultation regarding this development**
- 8.99 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. The application was also subject to a pre-application consultation undertaken by the applicant prior to submission of the planning application.
- **The decision makers should be willing to engage**
- 8.100 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. This process enables the public and other interested parties to provide their views on the application which are taken into consideration in decision making, as is clear in this report.
- **The community has little say in the redevelopment and so the application is premature**
- 8.101 As above, the public consultation in relation to the planning application was undertaken in accordance with the legislative requirements. The application was also subject to a Pre-application Consultation undertaken by the applicant, also in accordance with the legislative requirements. The determination of the application can only take place once the full consultation has been undertaken, as such, the application nor its determination is premature.
- **Concerns raised during the PAC process and not dealt with**
- 8.102 The comments raised by neighbours during the Pre-Application Consultation process have been addressed in the report submitted by the applicant, in accordance with legislative requirements.
- **It is not clear if an equal opportunities assessment been undertaken in accordance with the Equality Act in relation to the loss of the café;**
- 8.103 The loss of the café is a planning matter to be considered against the relevant, adopted planning policies. As discussed in detail in this report, the loss of the café has been considered robustly against the relevant policy and the loss is deemed to be policy compliant.
- **The proposed housing will cause increased tensions in the community by increased pressure on existing infrastructure**

- ***Additional pressures on community infrastructure***
- 8.104 The impact of the development has been assessed in terms of its likely effect on the local infrastructure has been fully considered during the application process. To assist in this assessment, the relevant service areas have been consulted on the application and provided comments in terms of whether local infrastructure would be negatively affected. As discussed under sub-heading 'Planning Obligations', the assessment concluded the proposal would increase pressure on local open space provision and, therefore, a sum of £39,450 is being sought and the applicant has confirmed their agreement to pay this sum. Additionally, the proposal will deliver 100% affordable housing, and much needed homes in the local area. The proposed development, subject to the proposed Section 106 contributions would have an acceptable impact on the local community infrastructure.
- 8.105 Notwithstanding the above, there is no evidence to suggest the proposed development will result in increased tensions in the community.
- ***The type of housing is unsuitable and family housing should be developed with gardens***
- 8.106 There is an identified need for affordable apartments in Butetown with the current number of people of the waiting list for one and two bed flats at approximately 1283 applicants.
- ***This development will dilute the history of the area, which has already occurred In Cardiff Bay/ The community facility/site has historic importance to community***
- 8.107 The existing building is not a listed building or deemed to be of a nature that would require it to be locally listed. The redevelopment if the site is not, therefore, considered to have an adverse impact in terms of the heritage of the site or its surroundings.
- ***This will result in an oversupply of affordable housing especially given the unfilled student accommodation***
- 8.108 There is an identified need for affordable housing in Butetown with the current number of people of the waiting list for 1 and 2 bed flats at approximately 1283 applicants.
- 8.109 In terms of the unfilled student accommodation, this is not a relevant consideration to the application, but it is noted that Student Accommodation is not within the same use class as housing/dwelling houses.
- ***Adverse impact on traffic and air quality***
- 8.110 The proposed development will be a car free scheme which is supported by the Managing Transportation Impact SPG. As such, the development in terms of traffic generation and associated air quality impact will minimal and not harmful.
- 8.111 There may be some temporary and short term impacts during the construction phase but these impacts can be sufficiently controlled via a Construction Management Plan which will be secured via condition.

- ***Not a suitable location to develop***

8.112 The application is a brownfield site in a highly sustainable location which is fully supported by national and local planning policy as the most suitable location for new development, particularly residential schemes.
- ***The proposed development would result in loss of light from adjacent properties***

8.113 As discussed under the sub-heading 'Residential Amenity' the impact on light has been assessed and the proposals, on balance, deemed to be acceptable.
- ***The development would be over development***

8.114 As discussed above, the proposal represents an efficient use of land and is not considered to be overdevelopment in the context of the local area. Indeed, Policy KP5, criteria (ix) requires new developments to achieve the highest practical densities which is considered to be achieved at this site whilst meeting all relevant planning requirements.
- ***The proposed development does not provide any outdoor space***

8.115 The proposal provides outdoor space in the form of balconies to 16no. Apartments and a small landscaped area to the rear, measuring approximately 121m<sup>2</sup>. As discussed earlier in this report, the level of amenity space is considered to be acceptable particularly given the location of the application site adjacent to Canal Park and the agreed contributions.
- ***Due to no parking provision the development will exacerbate existing lack of parking provision in the area***

8.116 The proposal is located in an area within which car-free development is supported in accordance with the LDP that aims to encourage more sustainable modes of transport. It is envisioned the future occupiers will not rely on the private car and, therefore, the absence of parking provision would not exacerbate on street parking provision whilst meeting LDP policies.
- ***Impact on construction traffic will be dangerous especially given location of site adjacent to Canal Park***

8.117 There may be some temporary and short term impacts during the construction phase but these impacts can be sufficiently controlled via a Construction Management Plan which will be secured via condition.
- ***The proposed development does not accord with the future well beings Act***

8.118 The development has been considered in accordance with the duties under the Future Generations and Well Being Act.
- ***The proposal lacks vision and is uninspiring***

8.119 The proposed design, as discussed earlier in this report and as amended, is considered to be high quality and a significant improvement to the existing building.

- ***Red Sea House (Taff Housing facility) has a contract with the Paddlesteamer Café to provide food to and this facility would be lost which would have a negative impact on the tenants of Red Sea House***
  - ***The café has been a hub for charities and to provide disaster relief***
  - ***The café has reduced crime by allowing the police use of its CCTV footage***
  - ***Affect the socialising of young and elderly persons in the community***
9. The above matters are not material planning considerations.

### **Planning Obligations**

- 8.121 The following planning obligations have been requested to mitigate any significant adverse impacts of the proposed development and to provide essential, enabling and necessary infrastructure as defined within LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).
- 100% Affordable Housing as proposed by the applicant (policy level required is 20%); and
  - £39,450 for open space
9. The applicant has confirmed their acceptance of the above obligations

### **9. CONCLUSION**

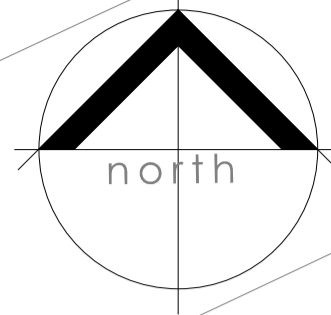
- 9.1 The proposed development represents an efficient re-use of a brownfield site in a high sustainable location which accords with the underpinning principles of sustainable development encouraged by national and local planning policy. The scheme meets the placemaking principles of PPW10 and accords with Policy KP5.
- 9.2 The proposed scheme offers 100% affordable housing which will go towards addressing the significant housing needs in the area. The scheme is also fully policy compliant in terms of Section 106 requirements.
- 9.3 The loss of the café is in compliance with the Local Development Plan and the re-sue of the site accords with Policy H6.
- 9.4 The scheme has been robustly assessed in terms of its potential impact on neighbouring properties and the proposed impact is considered to be acceptable.
- 9.5 For the reasons outlined above, planning permission is recommended for approval, subject to conditions and legal agreement.

### **10. LEGAL CONSIDERATIONS**

- 10.1 *Crime and Disorder Act 1998*: Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions

with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

- 10.2 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 10.3 Wellbeing of Future Generations (Wales) Act 2016: Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 10.4 Statutory pre-application public consultation: The statutory pre-application public consultation was carried out in accordance with legislation and is considered acceptable.



LOUDOUN SQUARE

HODGES SQUARE



proposed new tree planting to mitigate against the loss of the existing tree on site

CONC. 525mm DIA.

ST18757102

ST18757101

ST18757104

| SCHEDULE OF ACCOMODATION |  |
|--------------------------|--|
| Ground Floor             | - 6 No. 1 bed wheelchair accessible apartments |
| First Floor              | - 5 No. 2 bed / 1 No. 1 bed apartments         |
| Second Floor             | - 5 No. 2 bed / 1 No. 1 bed apartments         |
| Third Floor              | - 5 No. 2 bed apartments                       |
| Fourth Floor             | - 5 No. 2 bed apartments                       |
| <b>Total</b>             | <b>- 28 No. apartments</b>                     |

SITE LAYOUT PLAN

|         |   |          |                         |
|---------|---|----------|-------------------------|
| Client  | RDP PROPERTIES LTD  |          |                         |
| Project | REDEVELOPMENT OF THE PADDESTREAMER PUB, GRANGETOWN, CARDIFF |          |                         |
| Title   | SITE LAYOUT PLAN  | Scale    | 1:100 @ A1 (1:200 @ A3) |
| Status  | PLANNING  | Drawn    | LDG                     |
|         |   | Date     | March 2020              |
|         |   | Approved | ---                     |
|         |   | Checked  | ---                     |
| Job No  | 1396  | Dwg No   | P07                     |
|         |   | Rev      | F                       |

**Architexture**  
architects  
Room 17 Malpas Court, Oliphant Circle  
Newport NP20 6AD. Tel: 01633 858 295

SCHEDULE OF EXTERNAL FINISHES  
 Samples and colours of materials shall be submitted to and approved in writing by the planning authority prior to the commencement of the work stage on site.

- 1. ROOF**  
Green roof construction
- 2. EXTERNAL BRICKWORK WALLS**  
Grey coloured facing brickwork
- 3. WINDOW SURROUNDS**  
Stone (Grey) coloured window surrounds
- 4. EXTERNAL WALLS**  
Stone (Grey) coloured horizontal band
- 5. EXTERNAL WALLS**  
Stone (Grey) coloured horizontal coping band
- 6. EXTERNAL WINDOWS AND DOORS**  
Windows to be tilt and turn PPC aluminium framed colour grey window frames with glazed panels with low emissivity coatings to current Building Regulation standards
- 7. JULIETTE BALUSTRADING**  
Glazed balustrading
- 8. EXTERNAL HARD LANDSCAPING**  
Concrete paving blocks / Tarmac
- 9. EXTERNAL BIN STORE**  
Treated ventilated timber enclosure



NORTH ELEVATION (LOUDOUN SQUARE)



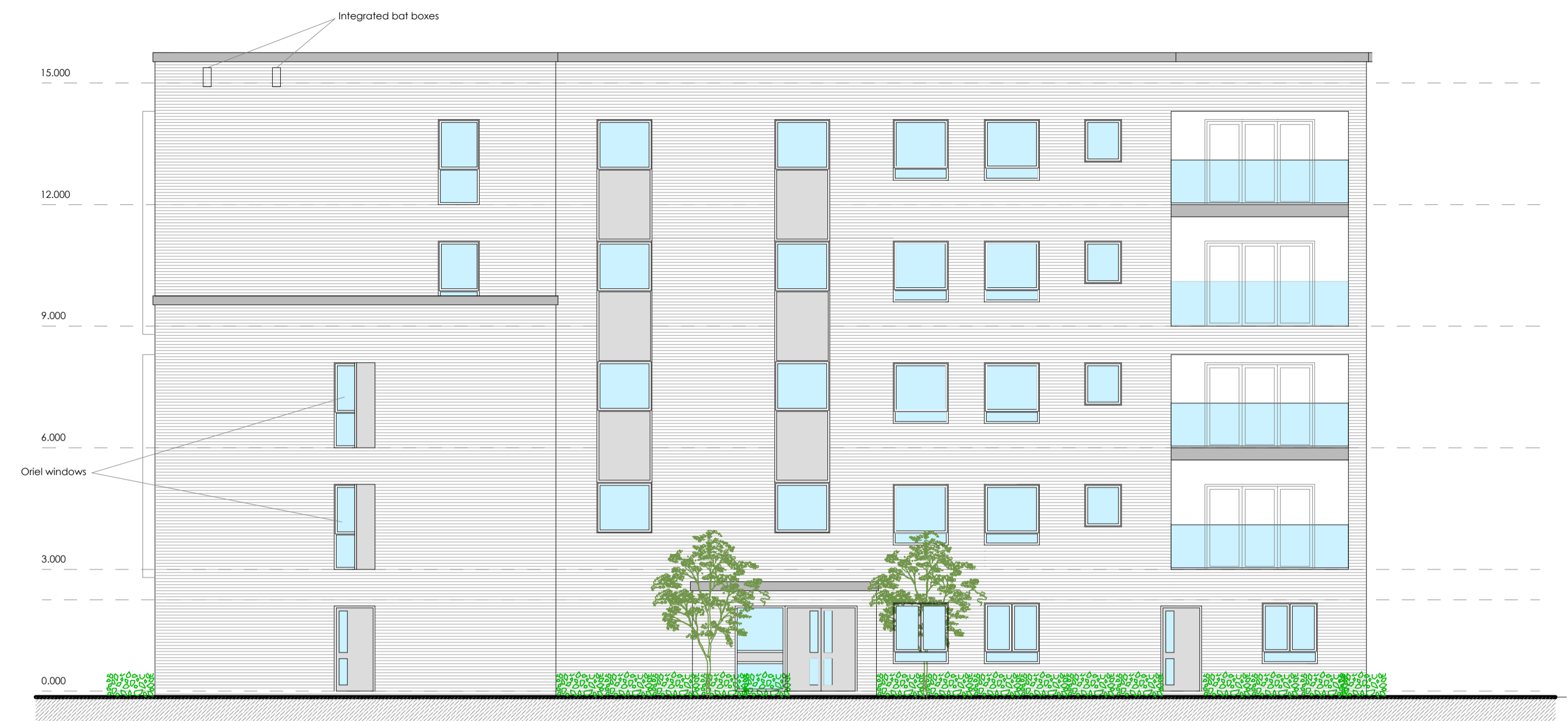
WEST ELEVATION (LOUDOUN SQUARE)

|         |   |        |                         |
|---------|---|--------|-------------------------|
| Client  | RDP PROPERTIES LTD  |        |                         |
| Project | REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF |        |                         |
| Title   | PROPOSED ELEVATIONS   | Scale  | 1:100 @ A1 (1:200 @ A3) |
| Status  | PLANNING  | Drawn  | LDG                     |
|         |   | Date   | March 2020              |
| Job No  | 1396  | Dwg No | P06                     |
|         |   | Rev    | F                       |

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NORTH ELEVATION (LOUDOUN SQUARE)



SOUTH ELEVATION



WEST ELEVATION



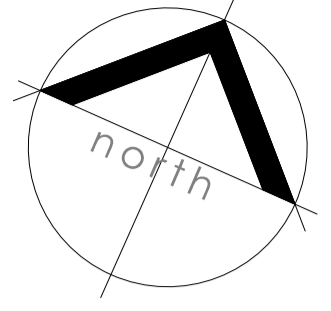
EAST ELEVATION

5 4 3 2 1 0  
Scale in Metres (1:50)

|         |   |        |                        |
|---------|---|--------|------------------------|
| Client  | RDP PROPERTIES LTD  |        |                        |
| Project | REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF |        |                        |
| Title   | PROPOSED ELEVATIONS   | Scale  | 1:50 @ A1 (1:100 @ A3) |
| Status  | PLANNING  | Drawn  | LDG                    |
|         |   | Date   | March 2020             |
| Job No  | 1396  | Dwg No | P05                    |
|         |   | Rev    | H                      |

**Architexture**  
architects  
Room 17 Malpas Court, Oliphant Circle  
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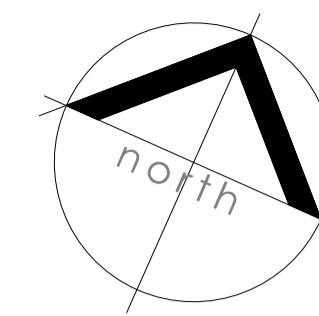




# GROUND FLOOR PLAN

|         |   |        |                        |
|---------|---|--------|------------------------|
| Client  | RDP PROPERTIES LTD  |        |                        |
| Project | REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF |        |                        |
| Title   | PROPOSED GROUND FLOOR PLAN                                  | Scale  | 1:50 @ A1 (1:100 @ A3) |
| Status  | PLANNING  | Drawn  | LDG                    |
|         |   | Date   | March 2020             |
| Job No  | 1396  | Dwg No | P01                    |
|         |   | Rev    | E                      |

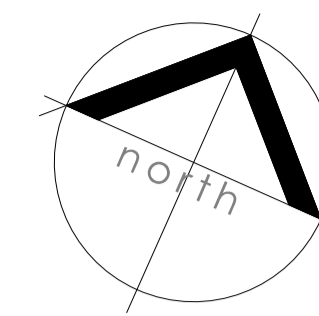
**Architexture**  
 architects  
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# FIRST / SECOND FLOOR PLANS

|         |   |        |                        |
|---------|---|--------|------------------------|
| Client  | RDP PROPERTIES LTD  |        |                        |
| Project | REDEVELOPMENT OF THE PADDESTAMER PUB, GRANGETOWN, CARDIFF |        |                        |
| Title   | <b>PROPOSED FIRST / SECOND FLOOR PLANS</b>                | Scale  | 1:50 @ A1 (1:100 @ A3) |
| Status  | PLANNING  | Drawn  | LDG                    |
|         |   | Date   | March 2020             |
| Job No  | 1396  | Dwg No | P02                    |
|         |   | Rev    | G                      |

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# THIRD / FOURTH PLANS

|         |   |        |                        |
|---------|---|--------|------------------------|
| Client  | RDP PROPERTIES LTD  |        |                        |
| Project | REDEVELOPMENT OF THE PADDLESTEAMER PUB, GRANGETOWN, CARDIFF |        |                        |
| Title   | PROPOSED THIRD / FOURTH FLOOR PLANS                         | Scale  | 1:50 @ A1 (1:100 @ A3) |
| Status  | PLANNING  | Drawn  | LDG                    |
|         |   | Date   | March 2020             |
| Job No  | 1396  | Dwg No | P03                    |
|         |   | Rev    | F                      |

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Mae'r dudalen hon yn cael ei adael yn wag yn fwiadoli

## MP AND AS / MS OBJECTIONS

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/01459/MNR** APPLICATION DATE: 04/08/2020

ED: **RHIWBINA**

APP: TYPE: Full Planning Permission

APPLICANT: Rhiwbina RFC

LOCATION: CAEDELYN PARK, CAEDELYN ROAD, WHITCHURCH

PROPOSAL: ERECTION OF 3NO. FLOODLIGHTS

**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans.
  - LAYOUT PLAN
  - DWG 100 – Lias Design Notes & Luminaire Schedule
  - PR-DWG-101 – Perform results on Pitch 12 deg tilt (Lighting one side only)
  - SP-DWG-01 – Spill results away from pitch 12 deg tilt (Lighting one side only)
  - RHIWBINA RFC TRAINING LIGHTS DETAILS submitted 01/12/2020
  - Noise Management plan submitted 04/12/2020.

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. The Floodlighting shall not be operated between 20:45 hours and 0900 hours on any day.

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

4. The Floodlights shall only be used to illuminate the training area on a Tuesday, Wednesday, Thursday or Friday with no use of the Floodlights on a Saturday, Sunday or Monday.

Reason: In the interests of the amenities of the area and neighbouring occupiers in accordance with Policies KP5 and EN13 of the Cardiff Local Development Plan 2006-2026.

**RECOMMENDATION 2** : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Planning permission is sought for the installation of three floodlight columns located in Caedelyn Park/Playing fields, positioned close to the western boundary of the park.
- 1.2 The proposed floodlights are to be 15m high, sited approx. 5m from the rear boundaries of the adjacent properties located on Northern Avenue and sited approx. 30m apart.
- 1.3 The floodlights are to be utilised in conjunction with a training pitch for the junior/youth section of Rhiwbina Rugby Club. The submitted plans also show the provision of a training area adjacent to the floodlighting, which is to be approx. 80m long and 50m wide, sited approx. 9m from the rear boundaries of the properties on Northern Avenue and approx. 40m from the rear boundaries of properties on Caedelyn Road. It is not proposed to install permanent enclosures within this area.
- 1.4 The applicants state that they wish to utilise the area for rugby training sessions in the winter months (October to March) with the floodlights switched on. They propose that the floodlights are used and training sessions to take place up to 8:45pm on Tuesdays, Thursdays and occasional Fridays.

## **2. DESCRIPTION OF SITE**

- 2.1 The application site comprises an existing area of parkland within Caedelyn Park.
- 2.2 The surrounding parkland consists of existing football and rugby pitches, a childrens play area and associated facilities for the sport pitches (clubhouse, changing rooms, storage buildings and floodlighting of adjacent rugby pitch to the south) and a public car park. To the North and West of the application site are residential properties, that bound the parkland.
- 2.3 The site is not within a Conservation Area nor with an area of Flood Risk.

## **3. SITE HISTORY**

- 3.1 10/01151DCO – Development of new changing room facilities, including kit

storage & 3 No. Pitch Floodlights. Approved.

#### 4. **POLICY FRAMEWORK**

##### 4.1 National Planning Policy

- Planning Policy Wales (10<sup>th</sup> Ed, 2018)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 16: Sport Recreation and Open Space (2009)

##### 4.2 Cardiff Local Development Plan 2006-2026

- Policy KP5: Good Quality and Sustainable Design
- Policy KP13: Responding to Evidenced Social Needs
- Policy KP14: Healthy Living
- Policy KP16: Green Infrastructure
- Policy EN6: Ecological Networks and features of importance for biodiversity
- Policy EN13: Air, Noise, Light Pollution and Land Contamination
- Policy T5: Managing Transport Impacts
- Policy T6: Impact on Transport Networks and Services
- Policy C1: Community Facilities
- Policy C4: Protection of Open Space
- Policy C6: Health

##### 4.3 Supplementary Planning Guidance

- Green Infrastructure (November 2017) incorporating:
- Ecology & Biodiversity TGN
- Trees and Development TGN
- Protection and Provision of Open Space in New Developments TGN
- Managing Transportation Impacts (July 2018)
- Planning for Health and Wellbeing (November 2017)

#### 5. **INTERNAL CONSULTEE RESPONSES**

##### 5.1 The Operational Manager, Transportation – No objections

5.2 The Operational Manager, Parks – Parks & Sport have no objections to this planning application. The club is well established and is well known to us, they have always approached the Council in a respectful manner and followed our advice on matters involving Caedelyn Park. It would be fair to say that we have a good working relationship with Rhiwbina Rugby Club. The club have a very strong, mini, Junior & youth structure and is very community orientated towards the health and wellbeing of club members, through participation in sport.

The area required to be illuminated by the proposed floodlights has historically been used for sporting activities and this most recent proposal, does not include any enclosures by any physical barriers or fixed Ruby posts placed in

situ. The area will be fully open to public use at all other times outside of training. The club have confirmed that they have no requirement to train with floodlights past the hours of 20.30 on any designated evenings. I am informed that the illumination and lux levels are all within required standards.

The current area had recently been earmarked as '*one cut regime*' (one grass cut per year), however, in view of the clubs application, we can utilise an equivalent sized area of grass in an alternative area (within Caedelyn Park), for an annual one cut regime, continuing to encourage a wild flower area and the benefits associated with wildlife.

- 5.3 The Operational Manager, Shared Regulatory Services – Confirms that the applicant has submitted a new lighting design and plans. The proposed system will allow for better control of light spill and back light. To give some context the proposed levels are below what is recommended by Institute of Lighting Professionals (ILP) which is 10 lx on a dwelling/ premises (typically a bedroom window) the new proposed design is approximately 2 lx along the rear of the residential properties.

As a result of the above information I have no objection to the proposed development, subject to the inclusion of Planning Conditions controlling the times associated with the use of the floodlights.

- 5.4 Councils Ecology Officer – Advises that in terms of the footprint of the floodlight structures, cabling and switchgear, I would say that the impact of the proposed scheme is de minimis, even if the area under that footprint has recently been converted to wildflower meadow. There should be ample opportunity within the rest of the park to compensate for any loss of recently-established unmown area.

Although the present application does not include the (re)creation of the pitch, it is evident that this is the reason for which the floodlights are being installed, and the green infrastructure implications of the rugby pitch should be considered by the applicant. It is my understanding that this area has recently been left fallow and/or managed as a wildflower area. Such areas are important for range of reasons, such as increasing the biodiversity of wildflowers and invertebrates, and better stormwater attenuation. These and other ecosystem services would be reduced if a rough grassland / wildflower area is converted to a mown pitch. Though this may be outside the remit of the present planning application, the Environment Act duty to seek to maintain and enhance biodiversity, and in doing so to promote ecosystem resilience, is still incumbent upon the landowner which in this case is our Leisure and Parks service area. Therefore I would urge those who own or manage this park to ensure that if any rough grassland / wildflower area is to be lost, then it should be compensated for elsewhere in the park.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 N/A



## 7. **REPRESENTATIONS**

7.1 Neighbours have been consulted, 51 e-mails and letters have been received from neighbouring occupiers, objecting for the following summarised reasons;

- i) Increased noise and disturbance from users of training pitch.
- ii) Anti-social behaviour.
- iii) Potential increase in Covid 19 infections due to use of park.
- iv) Floodlights and associated infrastructure are out of keeping with area.
- v) Loss of public parkland used by locals for walking, recreation and relaxing to private sports club (noting the other adjacent sport pitches)
- vi) Light pollution of adjacent properties.
- vii) Impact of increased light on sleep patterns particularly of young children/elderly/shift workers.
- viii) Area should be kept as a wildflower meadow as has been designated as an area for wildflower growth (no-cut regime).
- ix) Impact/loss of biodiversity and wildlife including Bats.
- x) No consultation by applicants with local residents prior to submission of application.
- xi) Flood lights and training pitch are closer to adjacent properties than existing floodlights and pitch.
- xii) Existing pitches and floodlights could be used for training by Rhiwbina RFC.
- xiii) Parking problems/highway safety particularly when football and rugby activities take place.
- xiv) Loss of play equipment in playground.
- xv) Increase in air pollution due to vehicles utilising the site to drop off/pick up participants.
- xvi) Other sites within local area could be utilised for training purposes.
- xvii) Concerns of fairness as Rugby Club rallied club members and supporters to send in letters of support.
- xviii) Loss of value to own properties.

7.2 91 Letters and emails have been received in support of the application.

7.3 A 890 name change.org electronic petition has been submitted objecting to the proposal. This petition has been deemed to be invalid as it does not contain signatures or email addresses in lieu of signatures. The person submitting the petition has been made aware that the above petition is invalid.

7.4 Cardiff Civic Society – Rhiwbina Rugby Club’s plan to install a second floodlit pitch on Caedelyn Park should be refused.

This planning application has been submitted for an area of common land, used frequently for a range of recreational activities by residents of Rhiwbina, Whitchurch and further afield.

Most notably the area is used by children as an area of the park in which they can enjoy the freedom to play and explore, and older residents for walking and exercising.

Covid-19 has illustrated beyond doubt, the immense value to the population of informal green space. There can be no justification for the rugby club to requisition further public open space purely for its own use.

The Well-being of Future Generations Act supports the view that public open space is invaluable for health and well-being. Effectively privatising public space does not fit in with the aims of this legislation.

In the last year this area has been designated The Cardiff Pollinator Project and left unmown to allow the growth of wildflowers and to contribute to improved biodiversity.

The area proposed is an important area for bats. The Bat Conservation Trust highlights the dangers of floodlights in terms of disruption to bat communities living in urban environments. Bats are a protected species. The RSPB and World Wildlife Fund also both stress the detrimental impact man-made lighting has on protected bat populations.

Section 6 of the Environment Wales Act stresses the need to protect and enhance biodiversity – removing a pollinator-friendly section of parkland contravenes the aims of this act – which the local authority has a statutory requirement to abide by, Cardiff Council has declared a climate emergency – which is a material planning consideration. Removing natural grassland will contribute to the woes of climate change, as well as exacerbating the collapse of the nation's pollinator population.

Furthermore, Rhiwbina Rugby Club already has a significant proportion of the park cordoned off for its sole use, including a fully flood lit and permanent full-size rugby pitch. The club does not wish to use this pitch as a space upon which to offer training sessions for the club's youth section, because they wish to keep the pitch in pristine condition for the first team on days when they play competitive matches. This means it is largely unused throughout the year - despite being on public parkland.

The application has been submitted by the club without providing prior consent or discussing the matter with those who will be most affected, the local residents of Caedelyn Rd and Ashgrove nor has there been any opportunity for residents in the wider Rhiwbina and Whitchurch community to engage in the future use of this space, which is a common area of land. This is contrary to the application form which states that the local community has been consulted.

The proposal will significantly increase light pollution for approximately 30 houses in Caedelyn Rd and Ashgrove. The proposal is for the lights to be used between the hours of 4.30pm and 9.30pm, 7 days per week including bank holidays. This significant increase in light pollution is, in particular, compromising for families with young children and older residents of the neighbouring streets, whose opportunity for time to relax and enjoy their own homes will be severely compromised.

The proposal will lead to a significant increase in car use between the times of 4pm and 10pm during the winter months as parents attending the area to collect children will drive to the site in order to pick up. It is already the case that many people whose children are participating in sport on Caedelyn Park use the neighbouring streets to park and this will result in heavier use of the local streets for parking. Again, contravening the council's own aims in declaring a Climate Emergency.

There can be no justification in allowing the rugby club to cordon off further public open space for its sole use – this application should be refused.

7.5 Anna McMorrin MP, objects on behalf of her constituents stating the following;

I note the particular concerns raised with me about the lack of community engagement or consultation with residents in the immediate area of the proposal by Rhiwbina Rugby Club who are promoting this scheme, in advance of the formal registration of the planning application being made.

Given that the space being developed is an area of community use, an opportunity for dialogue between the club and its neighbours while plans were still in development could have been helpful, and the planning committee might wish to consider allowing an opportunity for greater and more meaningful engagement to take place between the Rugby Club and residents.

The space being developed has recently become a pollinator meadow, which seems to be much appreciated by local people, and valued as a demonstration of local commitment to the environment and biodiversity. Local residents who have contacted me are reluctant to lose this shared and valued space.

Residents have also expressed concerns about the way that the changed usage of the site will adversely impact them once floodlights have been installed and rugby related activities begin.

Concerns have been registered with me particularly about the loss of amenity caused by high powered lighting affecting houses immediately bordering the site, and the possibility of increased parking problems arising in residential streets in the neighbourhood.

The activities of Rhiwbina Rugby Club bring undoubted benefit to the wider community, particularly in the provision of sporting opportunities for young people. Along with many local people I welcome this contribution, but the interests and amenity of the Rugby Club's closest neighbours also require to be taken into consideration as the club develops its programmes.

I would ask the planning committee to consider the points in this submission.

7.6 Julie Morgan AS/MS– States that I have been contacted by several constituents who have expressed concern about the application by Rhiwbina Rugby Club (ref 20/01459/MNR) to put another rugby pitch, this one with 3

floodlights, into Caedelyn Park.

I understand that the proposed area for the pitch is in the corner of the park where it is alongside Ash Grove on one side and Caedelyn Road on the other, both residential roads. The constituents who have contacted me are opposing the plans on several grounds including the worry that the residents of the nearby houses will be disturbed by the noise and light pollution, particularly as the application is for the pitch to be able to be used for training every evening between October and March between 4.30pm and 9.00pm. They also point out that there are already several rugby pitches in the park, one of which already has floodlights.

Constituents have also pointed out that it is only recently that the Council has designated the proposed area as a pollination area, so it would only have one cut per year and be left to develop into a meadow to promote biodiversity. They therefore feel that it is not appropriate to put another rugby pitch there.

I hope that you will take into account all these concerns expressed by my constituents.

## 8. **ANALYSIS**

- 8.1 The application site falls within the settlement boundary as defined by the Local Development Plan proposals map and is designated as public open space (POS).
- 8.2 Policy KP5 requires that new development should *'make a positive contribution to the creation of distinctive communities'* and generally supports the improvement of community facilities, providing a healthy and convenient environment and connected open spaces.
- 8.3 Policy KP13 recognises that *'a key part of the successful progression of the city will be to develop sustainable neighbourhoods, tackle deprivation, and improve the quality of life for all'* through mechanisms including encouraging a range of social, health, leisure and education facilities and community infrastructure for all; supporting the regeneration of deprived communities; encouraging the enhancement of communities and creating places that encourage social interaction and cohesion; and developing new cultural and sporting facilities.
- 8.4 Policy KP14 seeks to ensure that *'Cardiff will be made a healthier place to live by seeking to reduce health inequalities through encouraging healthy lifestyles, addressing the social determinants of health'*.
- 8.5 Planning Policy Wales recognises the importance of recreational and community facilities *which 'are vital for our health, well-being, amenity and can contribute to an areas green infrastructure'*. Formal and informal open green spaces should be protected from development and all playing fields, notwithstanding public or private ownership, should be protected except where facilities can be retained and enhanced. It is detailed that *'the multiple use of*

*open space and facilities, where appropriate, to increase their effective use'* should be encouraged. TAN16 also generally supports the enhancement of facilities.

- 8.6 Policy C1 states *'that proposals for new and improved community facilities, health and religious facilities will be encouraged'*. Whilst Policy C4 details development will not be permitted on areas of open space' unless it would not cause or exacerbate a deficiency in open space, the space has no significant functional or amenity value and is of no significant quality.
- 8.7 The proposal seeks to introduce enhancements to existing recreational and sporting facilities. With regard to the afore mentioned Key Policies and Policies C1 and C4 it is considered that the proposal is acceptable in principle, with regard to land use considerations, according with the key aims of policy.
- 8.8 The principle matters that remain for consideration, therefore, are the effect of the proposal in terms of:
- Quality of design and impact upon the character of the area;
  - the impact upon the amenities of the area and neighbouring occupiers;
  - Green Infrastructure and ecology;
  - Transport impact.

### **8.9 Quality of Design and Impact Upon the Character of the Area**

- 8.9.1 Policy KP5 requires that all new development should respond *'to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals'* and *'provide legible development which is easy to get around and which ensures a sense of continuity and enclosure'*.
- 8.9.2 The site benefits from an open aspect to the South and East, enclosed by existing residential properties to the West and North. The proposed floodlights are to be approx. 15m in height, with a slender design and sited approx. 5m from the rear boundary enclosures of the adjacent properties on Northern Avenue (West). The floodlights will be spaced 30m apart are considered to not harm the character of the area, noting also that there are other floodlights, buildings and other structures within the Park itself.
- 8.9.3 It is considered that the proposal has due regard to the context of the area and would not harm its character, and therefore accords with the principles of Policies KP5.

### **8.10 Impact Upon the Amenity of the Area and Neighbouring Occupiers**

- 8.10.1 Policy KP5 seeks to ensure that *'no undue effect on the amenity of neighbouring occupiers'* results from development. Policy EN13 details *'development will not be permitted where it would cause or result in unacceptable harm to health, local amenity, the character and quality of the*

*countryside, or interests of nature conservation, landscape or built heritage importance because of air, noise, light pollution or the presence of unacceptable levels of land contamination’.*

- 8.10.2 The proposed development is considered to have a minimal impact upon the amenity of neighbouring occupiers due to the design and positioning of the floodlight columns.
- 8.10.3 The proposal would allow for the use of the parkland during the hours of darkness at certain times of the year. While there would be the potential for the intensification of use of the park it should be noted that the land has previously been used for sport and recreation purposes by the Rhiwbina Rugby Club and members of the public in the past. In this regard it is considered that any noise or impact from light can be appropriately managed, and conditions are recommended in this regard, as referenced at Para. 5.3. Subject to the required additional measures and controls, over both the hours of operation and use of floodlighting which accord with similar developments throughout the city, it is considered that there would be no undue impact upon neighbouring amenity relative to the existing use of the land as formal recreational space.
- 8.10.4 Accordingly, it is considered that the proposal would not have any undue impact upon the general amenity of neighbouring occupiers or the area, and, therefore, accords with the principles of Policies KP5 and EN13.

## **8.11 Green Infrastructure and Ecology**

- 8.11.1 Policy KP16 details that *‘Cardiff’s distinctive natural heritage which provides a network of green infrastructure’*, including trees and soil, will be protected, enhanced and managed to ensure the integrity and connectivity of this important resource is maintained. Furthermore Policy EN6 further supports the principles of the a-fore mentioned key policies in relation to ecological networks, biodiversity and trees.
- 8.11.2 It is acknowledged that the site is currently under a one-cut regime (i.e. the area would only be grassed cut once a year) and has formed a ‘meadow area’ due to being allowed to grow naturally. This one cut regime has partially occurred, due to COVID 19 restrictions being in place and is noted that the site was regularly in use for sport and recreation purposes by Rhiwbina Rugby Club and members of the public beforehand and was subject to the regular grass cutting schedule. Subject, however, to additional land being given over within Caedelyn Park being provided to mitigate the loss of the current ‘meadow area’, the overall impact of the development is considered to be acceptable.
- 8.11.3 The Councils Ecology Officer raises no objections to the proposal.
- 8.11.4 It should be noted in addition to the area adjacent the training area which is not utilised for training purposes, the parkland, which is within Councils ownership, offers further potential areas with the Park to enhance natural

landscaping and increase biodiversity.

- 8.11.5 Accordingly, it is considered that the proposal could provide a level of mitigation and enhancement such that accord with Policies KP16 will be secured.

## **8.12 Transport Impact**

- 8.12.1 Policy KP8 seeks to achieve a 50:50 modal split between journeys by car and other more sustainable means and, therefore, seeks to reduce reliance on the private car as a means of transport in favour of more sustainable methods. Policy T5, supports this key policy, by seeking to ensure *‘that all new developments properly address the demand for travel and its impacts, contributes to reducing reliance on the private car and avoids unacceptable harm to safe and efficient operation of the road, public transport and other movement network and routes’*. Whilst Policy KP6 details that *‘development will not be permitted which would cause unacceptable harm to the safe and efficient operation of the highway, public transport and other movement networks’*.
- 8.12.2 The proposal is inherently sustainable in nature being located in close proximity to the communities which will use and benefit from it’s provision and being accessible by public transport, cyclists and pedestrians, through good quality and available networks.
- 8.12.3 Public Car parking spaces are available for use within the existing park and it is noted that the Rugby Club have been running training sessions and matches within Caedelyn Park for a number of years.
- 8.12.4 Accordingly, it is considered, that the proposal would have no adverse transport impact, have a minimal impact upon the road network and promotes sustainable transport goals according with the principles of Policies KP8, T5 and T6.

## **8.13 Objections**

- 8.13.1 In regard to the objections received, I would comment as follows;
- i+ii) The Operational Manager, Shared Regulatory Services raises no objections to the proposal. The matter of noise and disturbance and anti-social behaviour can be dealt with under separate legislation.
  - iii) Noted, the users of the rugby club would have to comply with the relevant legislation in place in regard to COVID 19 restrictions (currently the club operate under restrictions with training sessions/matches limited since the COVID 19 pandemic).
  - iv) See para 8.10, also note that the park contains existing floodlighting and other buildings and car park hardstand within it.
  - v) There would be no loss of public parkland with the area being left open and no enclosures being erected to allow members of public to use the area outside of limited training sessions (which also

- occurred in past in this area).
- vi +vii) The Operational Manager, Shared Regulatory Services raises no objections in regard to amended details submitted in regard to the lux levels for the proposed floodlighting.
  - viii) Area has been under a one-cut regime during the Covid 19 pandemic and not formally designated as wildflower meadow, The Parks service (as landowner), has advised that they would be willing to put in mitigation within the Caedelyn Park and utilise the area outside of the training area to create additional 'meadowland' within the Park.
  - ix) The Councils Ecology Officer raises no objections to the proposal.
  - x) Noted.
  - xi) Noted, the floodlights are sited approx. 5m from the rear boundaries of nearest adjacent neighbouring properties, however they are considered acceptable in regard to the design, appearance and impact upon amenities of adjacent properties (see para 8.10).
  - xii) The area has been previously used for training sessions prior to Covid 19 restrictions and there are concerns regarding the over-use of the existing pitches if utilised for extra training sessions as well as regular matches.
  - xiii) The Operational Manager, Transportation raises no objections to the proposal (see para 8.12 above).
  - xiv) Does not form part of this application and is a separate matter.
  - xv) The Operational Manager, Shared Regulatory Services raises no objections to this matter, the park is in public use and the use of the park for rugby training sessions by the Rugby Club is an existing use. The club advise that they wish to encourage participants to further use alternative transport modes.
  - xvi) Noted, the applicant have advised that they currently use the site for training session (pre-Covid) and have considered alternative but there are issues in regard to availability and costs for the club to use alternate facilities outside of Caedelyn Park.
  - xvii) Noted, those persons with an interest in the application (objectors/supporters) are able to submit their comments to the Local Planning Authority.
  - xix) Not a material planning consideration.

#### 8.14 Other Legal Considerations

*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

*Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil

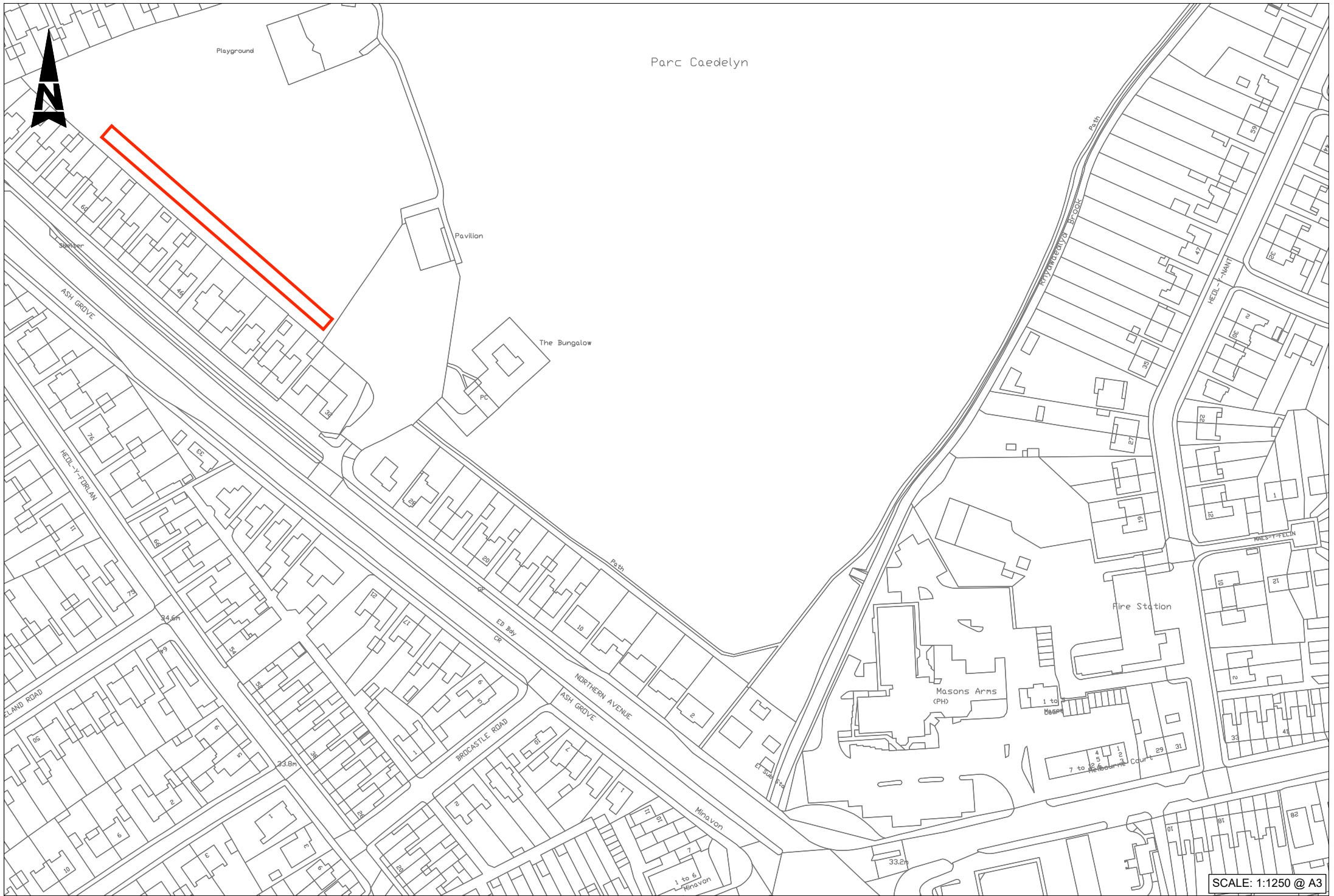


partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

*Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement.

#### 8.15 **CONCLUSION**

Having regard to the policy context above, the proposal is considered to be acceptable and approval of planning permission is recommended subject to conditions.





**Key:**

The design has been completed using the Philips Asymmetric OptiVision LED GEN 3.5 Floodlights. A total of 6no have been used to achieve an average of 100lux.

Floodlights are mounted on 3 x 15 metre columns

MF is 0.9 Results on Pitch (Worst case when old)  
MF is 1.0 Spill Results (Worst Case when new)



OptiVision BVP528      OptiVision Internal Louvre



Twin OptiVision BVP528 on Column

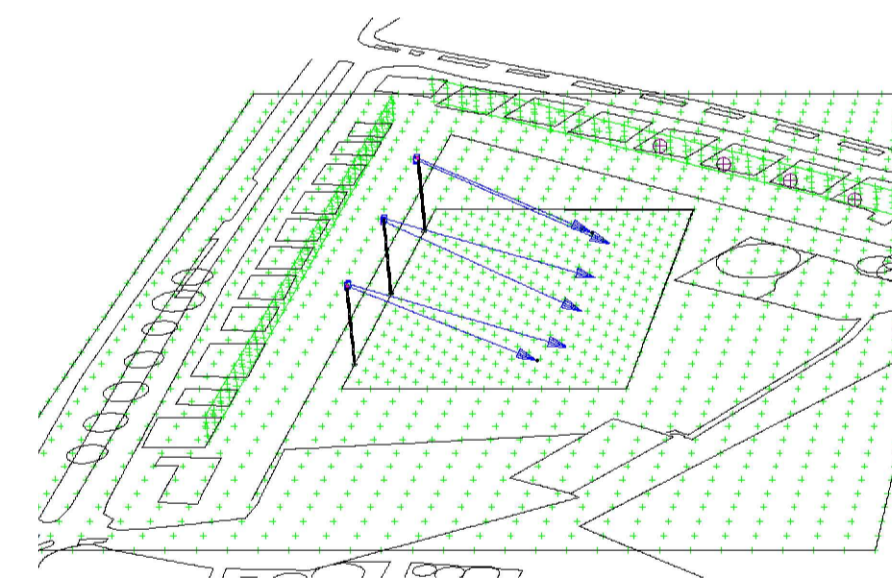
Legend: BVP528 1xLED220/740 DUT T15 50K A55-NB +LD

| Calc | Grid            | Unit | Ave | Max | Uo   | Min/Max   |
|------|-----------------|------|-----|-----|------|-----------|
| 1    | Training Area   | lux  | 157 |     |      | 0.11 0.05 |
| 2    | Ev Houses South | lux  |     |     | 1.88 |           |
| 3    | Ev Houses West  | lux  |     |     | 3.59 |           |

| Obs | Location                | Sw/Mode    | Limit Cd | Result Cd |
|-----|-------------------------|------------|----------|-----------|
| 1   | East side End House     | Main Pitch | 10000    | 4156      |
| 2   | East side 2nd End House | Main Pitch | 10000    | 7020      |
| 3   | East side 3rd End House | Main Pitch | 10000    | 4403      |
| 4   | East side 4th End House | Main Pitch | 10000    | 1029      |

Ev Grids added along House facades to the West & South of site. These grids start at 1m off ground up to 6m (House Eave height)

Results are below 10 lux maximum (See table above).



End fittings lower tilt and aimed in from edge to lower spill and glare to houses

Ev Grid placed along house facades

Columns 5m forward from House Boundary

Notes:  
1) Unless agreed otherwise, the lighting proposal produced by the Lighting Application Specialist (LIAS) team of Signify UK&I is not intended for construction purposes, as it does not take into account the elimination of health and safety risks at this stage. For further details please refer to sheet number **DWG 00**  
2) Do not scale for this drawing

**PROPOSAL**  
(NOT FOR CONSTRUCTION)

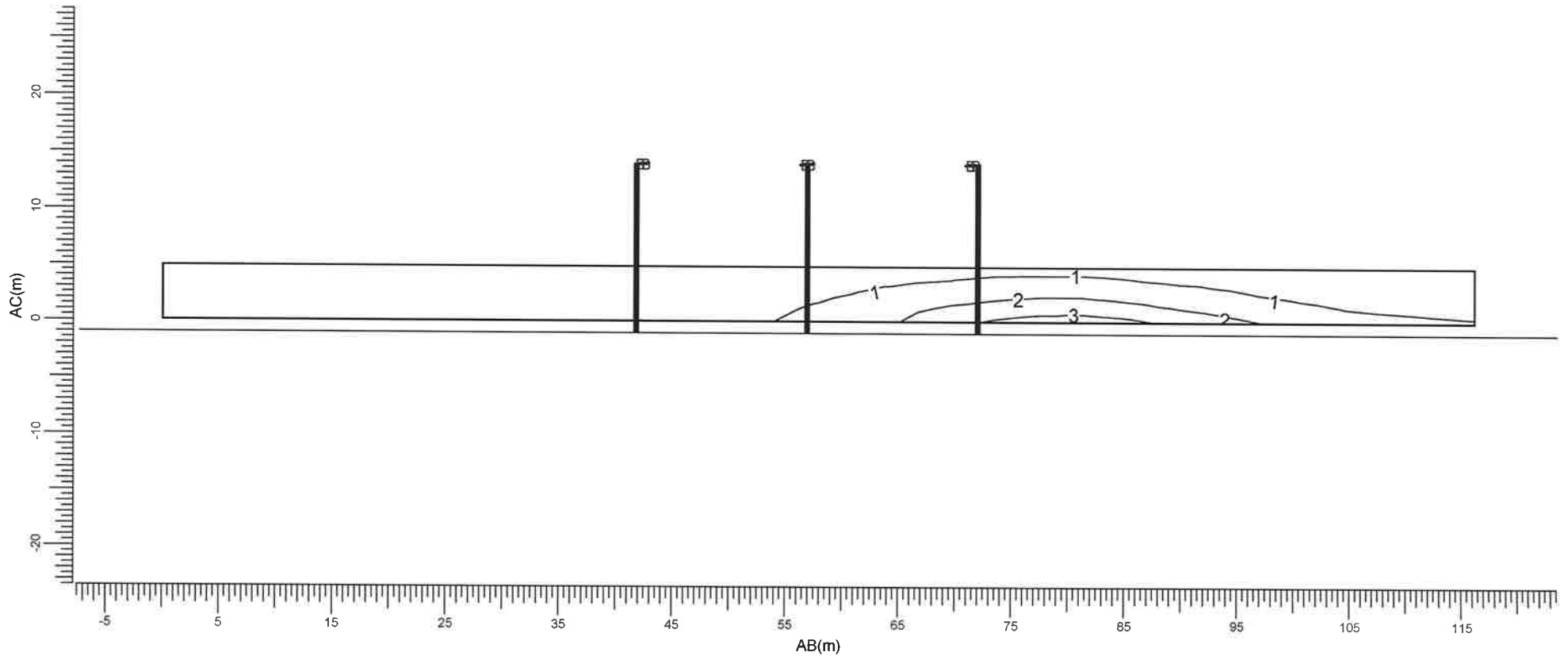
| Rev | DSR no.  | Comment   | Date     | LIAS | KAM |
|-----|----------|---|----------|------|-----|
| 0   | D-382861 | Training Pitch Replacement LED Ltg with Louvres - Spill Results | 02/12/20 | SJ   | AP  |
|     |          |   |          |      |     |
|     |          |   |          |      |     |
|     |          |   |          |      |     |
|     |          |   |          |      |     |

|                    |            |              |   |
|--------------------|------------|--------------|---|
| Project Number     | 0400553081 | Project Name | Rhiwbina RFC Cardiff  |
| Scale & Sheet Size | 1:200 @ A1 | Drawing Name | Perform results on Pitch 12 deg tilt (Lighting one side only) |
| Sheet No           | PR-DWG 01  |              |   |



### 3.6 Ev Houses West: Iso Contour

Grid : Ev Houses West  
Calculation : Surface Illuminance (lux)



|                        |                               |
|------------------------|-------------------------------|
| (-93.70, -36.26, 6.00) | C-----D (-35.18, 64.08, 6.00) |
| (-93.70, -36.26, 1.00) | A-----B (-35.18, 64.08, 1.00) |

B : BVP528 A55-NB +LO

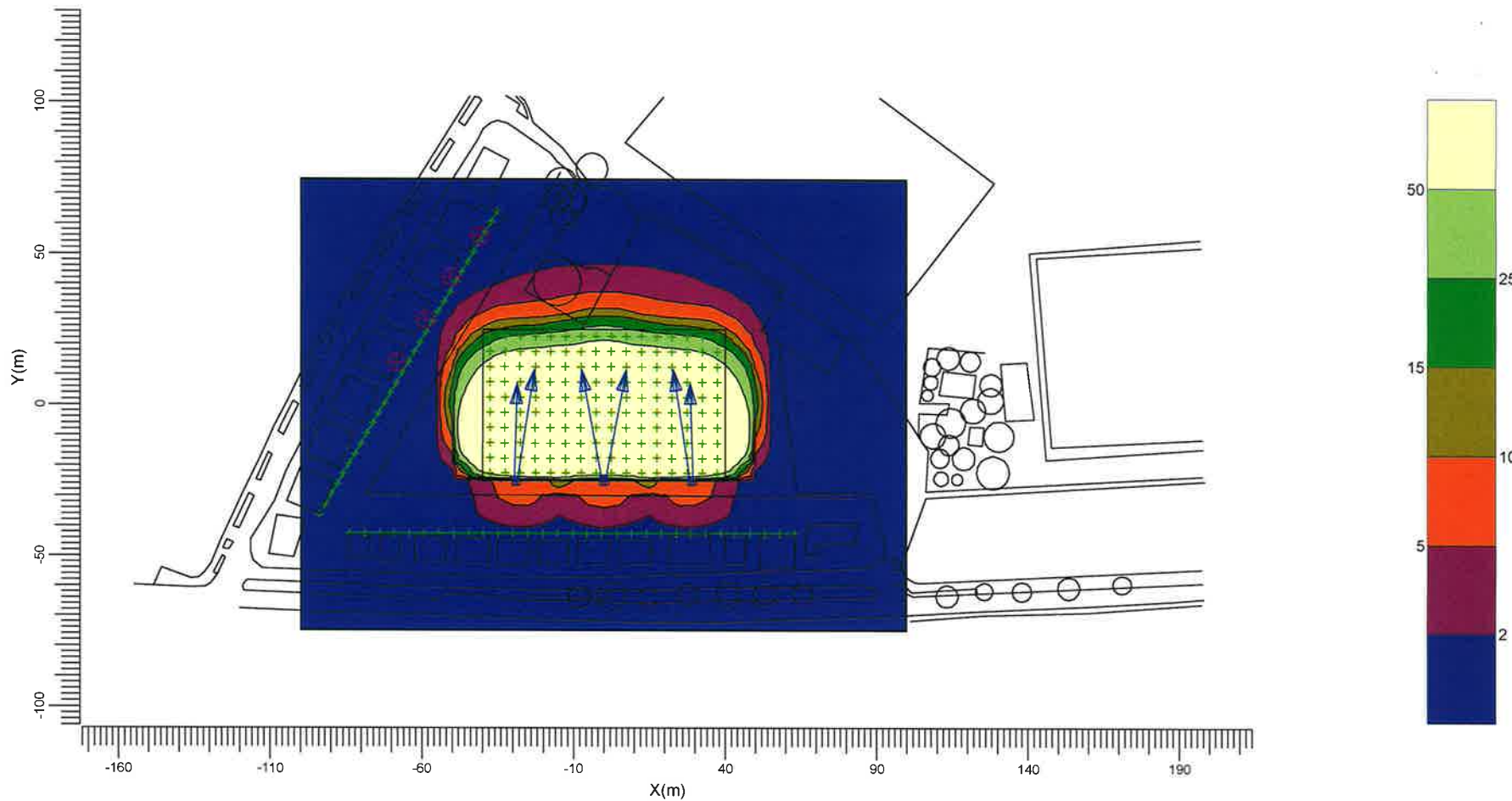
Maximum  
3.59

Project maintenance factor  
0.90

Scale  
1:500

### 3.9 Spillage: Filled Iso Contour

Grid : Spillage at Z = -0.00 m  
Calculation : Surface Illuminance (lux)



B ———▶ BVP528 A55-NB +LO

Project maintenance factor  
0.90

Scale  
1:2000

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

## PETITION AND LOCAL MEMBER OBJECTION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **19/03148/MNR** APPLICATION DATE: 09/12/2019

ED: **LLANDAFF**

APP: TYPE: Full Planning Permission

APPLICANT: Acorn Nurseries

LOCATION: TRENEWYDD, FAIRWATER ROAD, LLANDAFF

PROPOSAL: DOUBLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION WITH NEW REAR EXTERNAL TERRACES AND LANDSCAPING, CREATING A NEW DAYCARE NURSERY. CHANGE OF USE FROM OFFICES (CLASS B1) TO NON-RESIDENTIAL INSTITUTIONS (CLASS D1)

**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.5 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:
  - 19-1795-04 Rev G – Proposed ground floor and site plan – received 26 November 2020.
  - 19-1795-07 A – Proposed elevations – received 28 April 2020.
  - 19-1795-06 A – Proposed roof plan and sections - received 28 April 2020.
  - 19-1795-05 A – Proposed upper floor plans - received 28 April 2020.
  - Typical cross-section through external wall and suspended concrete slab – received 13 March 2020.
  - C2457-TK04 Rev D – Staff car park swept path analysis – received 22 October 2020.
  - C2457-TK05 Rev B – Drop-off area swept path analysis - received 22 October 2020.

Reason: For the avoidance of doubt as to the extent of the permission.

3. The premises shall be used only as a day nursery within Class D1(b) of

the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) as specified in the application, and for no other purpose (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument amending, revoking or re-enacting that Order).

Reason: To prevent other class D1 uses with different characteristics and requirements which would need to be fully considered separately by the Local Planning Authority in terms of development plan policies and/or national guidance and which may prejudice the amenities of the area, contrary to policy KP5 of the Cardiff Local Development Plan.

4. A maximum of 60 children shall be present on the site at any one time.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic passing along the highway abutting the site, in accordance with policies KP5 and T5 of the Cardiff Local Development Plan.
5. The use of the premises as a daycare nursery shall not be carried out other than between the hours of 7.30am and 6pm Monday to Friday and shall not be carried out at any time on weekends and bank holidays.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity of the site are protected, in accordance with policy KP5 of the Cardiff Local Development Plan.
6. Prior to the commencement of development, details of the design of the proposed drop-off bay (including pedestrian facilities and shelter) shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of visual amenity and the character and appearance of the Llandaff Conservation Area, and to ensure that the proposed development does not interfere with the safety, convenience and free flow of traffic passing along the highway abutting the site, in accordance with policies KP5, EN9 and T5 of the Cardiff Local Development Plan.
7. Before the development hereby approved is brought into beneficial use, a Travel Plan for the development, with a named Travel Plan Co-ordinator, shall be submitted to and approved in writing by the Local Planning Authority, setting out how alternative methods of transport to and from the site shall be promoted in order to reduce dependence on the private car, and the approved Travel Plan shall be implemented thereafter.  
Reason: In the interests of sustainability and in accordance with policies T1 and T5 of the Cardiff Local Development Plan.
8. No part of the development hereby permitted shall be occupied until a scheme of reinstatement/improvement works to the highway adjacent



to the site including (but not exclusively) footway surfacing, carriageway surfacing, marking, kerbing, drainage and lighting, has been implemented in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a satisfactory pedestrian environment and safe access to the site, in accordance with policies T5 and T6 of the Cardiff Local Development Plan.

9. A maximum of three car parking spaces shall be maintained within the site at all times in accordance with the details shown on the approved plans and these shall be provided prior to beneficial occupation of the premises and shall not be used for any purpose other than the parking of vehicles,

Reason: To ensure that excessive car parking provision is not provided at the site, in accordance with policy T5 of the Cardiff Local Development Plan, and the parking facilities accord with the standards set out in the Cardiff Supplementary Planning Guidance "Managing Transportation Impacts (Incorporating Parking Standards)" (April 2018).

10. The development shall not be brought into beneficial use until facilities for the secure storage of cycles and scooters have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and the approved facilities shall be retained in perpetuity.

Reason: To ensure that adequate provision is made for the secure and sheltered parking of scooters and cycles and to ensure that the appearance of such facilities is appropriate to the Llandaff Conservation Area, in accordance with policies KP5, EN9 and T5 of the Cardiff Local Development Plan.

11. If at any time the use of the premises is to involve the preparation and cooking of hot food that requires external extraction, the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point to be agreed with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to, and approved by, the Local Planning Authority in writing and the equipment installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturers' guidelines, such guidelines having previously been agreed by the Local Planning Authority in writing.

Reason: To ensure that the amenities of occupiers of nearby properties are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

12. Before the development hereby approved is brought into beneficial use, a noise assessment shall be carried out and submitted to the Local Planning Authority to demonstrate that the noise emitted from fixed plant and equipment on the site shall achieve a rating noise level of background -5dB at the nearest noise sensitive premises when

measured and corrected in accordance with BS 4142: 2014 + A1: 2019 (or any British Standard amending or superseding that standard).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.

13. Details of the design and materials of the proposed timber structure to the middle terrace / play area, including methods that will be employed to minimise the impact of noise from users of the structure on the occupiers of neighbouring properties, shall be submitted to and approved in writing by the Local Planning Authority and the approved structure shall be erected before the development hereby approved is brought into beneficial use and shall be maintained thereafter.  
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policies KP5 and EN13 of the Cardiff Local Development Plan.
14. The existing pedestrian entrance through the stone wall fronting Fairwater Road shall be filled in using stone reclaimed from the existing wall and no alterations to the boundary wall fronting Fairwater Road shall take place until a detailed elevational drawing of the wall, which shows details of the finish to the new pedestrian entrance and proposed coursing, mortar and coping details and the method of transition to new material for the existing entrance which is to be filled in, has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
Reason: To ensure that the finished appearance of the development is in keeping with the area, in the interests of visual amenity and the preservation of the character and appearance of the Llandaff Conservation Area, in accordance with policies KP5, KP17 and EN9 of the Cardiff Local Development Plan.
15. Prior to the construction of the extensions above foundation level, samples and/or manufacturer's specifications of the external finishing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policies KP5, KP17 and EN9 of the Cardiff Local Development Plan.
16. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
  - An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason : To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape and the measures for their protection, to monitor compliance and to make good losses, in the interests of visual amenity and tree protection, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

17. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be protected and maintained in good condition, in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

18. No development shall take place until full details of soft landscaping, which shall include the creation of soft landscape beds within the Fairwater Road frontage, have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A soft landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Evidence to demonstrate that existing and proposed services including drainage won't conflict with proposed planting.
- Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings (as appropriate) prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full

specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement.

- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

The landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To maintain and improve the amenity and environmental value of the area, and to monitor compliance, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

19. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced. Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition 18, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with policies KP5 and KP15 of the Cardiff Local Development Plan.

**RECOMMENDATION 2:** The applicant is advised that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste can contact the commercial services department on 029 20717500.

**RECOMMENDATION 3:** In the interests of site security, the developer is advised to ensure that the development achieves Secured By Design standards as promoted by South Wales Police. In particular, an audio/ visual access control system should be installed that has the capability of recording high quality footage both day/ night and which retains the footage for at least 30 days; a CCTV system should be installed that monitors the front and rear of the property and is managed by an external company and linked to the Police control room; a management plan should be in place in respect of access control; all doors and ground floor windows should be PAS 24: 2016; adequate lighting should be provided. South Wales Police would welcome

working with the contractor in order to achieve the recommendations above. In addition to this further information can be found on [www.securedbydesign.com](http://www.securedbydesign.com).

**RECOMMENDATION 4:** The developer is advised to contact Cardiff Council Asset Management ([AssetManagement@Cardiff.gov.uk](mailto:AssetManagement@Cardiff.gov.uk)) for the necessary Highway licenses for any works affecting the adopted highway.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The application is for full planning permission for the change of use, extension and conversion of an existing property to a day care nursery providing 60 places for babies and small children.
- 1.2 On the ground floor, three separate play rooms will be provided to the rear of the building with some existing windows being replaced with external doors giving access onto rear terrace areas. On the first floor there will be five play rooms, a wet room, two nappy changing rooms, a manager's office and toilet facilities. A baby room, cot room, two nappy changing rooms, milk preparation kitchen and staff room facilities will be located on the second floor.
- 1.3 The front elevation of the property will not be altered. A narrow extension containing a utility room will be added to the eastern side elevation, the roof of which will continue the slope of the roof of the main building down to single storey level and will feature a small dormer window. It will be finished in materials to match the existing building.
- 1.4 To the rear, a new single storey extension will be added which has been designed as a contrast to the style of the original property. The extension will have a flat roof and feature bays with glazed sliding door units giving access to rear terraces. The existing external courtyard area will be altered to provide play areas for the children. Three terraces will be created to provide level playing spaces, which will also include a timber shelter, an area for gardening activities and soft landscaping. Steps and a ramp will provide access down to the lower terraces.
- 1.5 A staff car parking area will be provided within the existing hardstanding area at the front of the site, comprising 3 car parking spaces accessed from the existing vehicular entrance on Ynys Y Coed close to its junction with Fairwater Road. A cycle store with 13 cycle spaces and a timber "buggy park" will also be provided in this area. A drop-off space for parents/carers will be provided at the rear of the site, on the existing hardstanding area directly adjacent to Ynys Y Coed. A timber shelter will be erected adjacent to this space, where staff will collect the children.
- 1.6 The application includes the change of use of the building from offices (Class B1) to non-residential institution (Class D1). Hours of opening will be 07:30 to 18:00, Monday to Friday.

## 2. **DESCRIPTION OF SITE**

- 2.1 The application relates to a large detached property located on the southern side of Fairwater Road which, at the time the application was submitted, lay just outside the Llandaff Conservation Area. The boundary of the Conservation Area has recently been reviewed and the proposed new boundary now includes this building. The property was built in the 1890s as a dwelling but was most recently used as offices for the Cardiff and Vale University Health Board. It has been unoccupied for approximately six years and its condition has deteriorated.
- 2.2 The building is a traditionally built brickwork structure with brick and stone features, tile hanging and plain clay roofing tiles. It is three storeys in height with the top floor in the roof space, which is punctuated with gables and dormers. The building is not statutorily listed, although it is on the local list of "buildings of merit".
- 2.3 The grounds of the property comprise hardstanding areas to the front and rear accessed from Ynys Y Coed, a cul-de-sac of residential properties on the western side of the site, along with small areas of overgrown planted borders. The ground slopes down to the rear and there is a change in level of approximately 1.7m between the building and the existing hardstanding area. Along the eastern side there is a line of trees in the verge between the site boundary wall and the driveway of Maynard Court.

### 3. **SITE HISTORY**

- 3.1 89/02483/W – Erection of 36 No Elderly Persons Apartments in two blocks of 2 Storeys (to include the conversion of Trenewydd to 6 units). Granted 21/03/1990.
- 3.2 89/02484/W – Conversion of Trenewydd to 6 No elderly persons flats and erection of 7 No detached dwellings. Granted 21/03/1990.
- 3.3 90/01921/W – Conversion of Trenewydd to 6 No 2 bedroomed apartments and erection of 7 No detached dwellings. Granted 08/01/1991.
- 3.4 95/00114/W – 22 elderly persons flats. Granted 28/07/1995.
- 3.5 95/01046/W – Demolition of existing boiler room and its replacement with new single storey extension for new boiler room. Granted 09/08/1995.
- 3.6 13/00692/DCO – Change of use to single dwelling. Granted 25/06/2013.
- 3.7 13/00870/DCO – Certificate of Lawful Use as offices (Class B1). Granted 01/07/2013.
- 3.8 14/00887/DCO – Change of use to residential with proposed alterations and extensions. Withdrawn 04/09/2014.
- 3.9 15/03160/DCH – Proposed single storey rear extension including creation of

basement area with swimming pool; raised garden terrace; proposed double garage to front with single storey link extension to side of main property. Granted 09/03/2016.

- 3.10 Due to the poor condition of the building and site and its impact upon local visual amenity, a S215 notice was served against in the owners in 2018. Non-compliance with the requirements of the notice resulted in two prosecutions in 2019. The building was subsequently acquired by Acorns Nurseries in November 2019.

#### 4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*  
KP5 (Good Quality and Sustainable Design);  
KP13 (Responding to Evidenced Social Needs);  
KP15 (Climate Change);  
KP16 (Green Infrastructure);  
KP17 (Built Heritage);  
EN8 (Trees, Woodlands and Hedgerows);  
EN9 (Conservation of the Historic Environment);  
EN10 (Water Sensitive Design);  
EN13 (Air, Noise, Light Pollution and Land Contamination);  
T5 (Managing Transport Impacts);  
C1 (Community Facilities);  
C3 (Community Safety/Creating Safe Environments);  
W2 (Provision for Waste Management Facilities in Development).
- 4.2 *Supplementary Planning Guidance:*  
Waste Collection and Storage Facilities (October 2016).  
Green Infrastructure (November 2017).  
  
Managing Transportation Impacts (Incorporating Parking Standards) (2018).  
  
Childcare Facilities (November 2017).
- 4.3 *Conservation Area Appraisal: Llandaff (2020) and Conservation Area Review 2020.*
- 4.4 *Planning Policy Wales (Edition 10 – December 2018):*  
2.2 All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.  
3.4 Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.  
3.6 Development proposals must address the issues of inclusivity and accessibility for all.  
3.9 The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.  
3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.

4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

4.1.34 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations, consideration must also be given to where people will leave their bike at home.

4.1.36 Planning authorities must direct development to locations most accessible by public transport.

5.12.9 Adequate facilities and space for the collection, composting and recycling of waste materials should be incorporated into the design and, where appropriate, layout of any development as well as waste prevention measures at the design, construction and demolition stage.

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

6.4.24. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG.

6.6.27 Planning authorities should be aware of the risk of surface water flooding and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS.

#### 4.5 *Technical Advice Note 11 – Noise (1997):*

8. Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in



greater intrusion, consideration should be given to the use of appropriate conditions.

4.6 *Technical Advice Note 12 - Design (March 2016).*

## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 *Transportation:* I am of the opinion that the proposals for the reduced operation (60 pupils compared to 100 pupils) would be acceptable. In short the application has reduced from a 100 pupil operation to a 60 pupil operation with consequential reductions in number of staff. In accordance with the reduction in pupils the traffic and parking requirements have reduced.
- 5.2 The cycle parking provision is acceptable. The staff car parking provision (max 3 vehicles) is acceptable. The swept path analysis demonstrates that the car parking area is acceptable, although movements within the car park should be avoided when pupils/parents are arriving at the site.
- 5.3 The anticipated traffic generation numbers provided with the amended application are acceptable, for both the nursery (18 movements during the peak hour) and the background traffic generated from the residential area to the west of the site (5 movements during the peak).
- 5.4 Pupil drop-off location on Ynys y Coed would provide space for one vehicle to access the staff in attendance and waiting shelter. Although transport do not support the provision of drop-off/collection areas at schools (and nursery schools) there are separate guidelines (SPG) advising that provision is available for young children. In light of the advice it is accepted that a space can be provided. A concern would be the potential demand for the space. However, application of the TRICs model data of similar establishments illustrates that typically such an establishment generates 18 traffic movements (9 arriving and 9 departing) during the peak hour, equating to approximately one movement every 3 minutes.
- 5.5 There would need to be conditions attached to the acceptability of the application (relating to design of the drop-off bay and pedestrian facilities, a travel plan, highway re-instatement, cycle/scooter parking and maximum car parking provision). It would not be possible to designate Ynys Y Coed as a "School Street" due to the inclusion of the drop-off facility, so rather than a school street it is suggested that a TRo to prohibit loading on the Double Yellow Lines in Ynys y Coed would be the best solution. This would attract a £5,000 S106 cost.
- 5.6 *Pollution Control (Noise & Air):* I am satisfied that the proposal has designed out operational noise through its practices and the plans to build the outdoor covered area using an acoustically treated material. Ideally, information on this material could be submitted up front, but at this stage could be conditioned. (Other conditions are requested relating to kitchen extraction and noise assessment).

5.7 *Waste Strategy & Minimisation Officer:* The proposed storage area for waste and recycling has been noted and is acceptable.

## 6. **EXTERNAL CONSULTEES RESPONSES**

6.1 *Glamorgan Gwent Archaeological Trust:* Information in the Historic Environment Record shows no known buried archaeological features within the area of the proposal. The HER notes the house was built in c1890 and that it is a locally listed building. We note from the supporting documentation that the building has been significantly changed internally, with the loss of its features. Given the nature of the proposed development, it is our opinion that the proposals are not likely to encounter any archaeological deposits. Given our understanding of the current information, it is our opinion that there will not be a requirement for archaeological mitigation works. As the archaeological advisors to your Members, we therefore have no archaeological objection to this application.

6.2 *South Wales Police Design Out Crime Unit:* South Wales Police have expressed concerns about a number of issues:

1. No reference is made in the Design and Access statement about how Community Safety issues will be addressed.
2. There is no provision for drop off /parking on site.
3. The site will need to be secure at the front and rear to ensure the security and safety of the children.
4. The cycle provision will need to be housed in a secure lockable building to prevent theft.
5. Access control into this nursery is essential. The plans do not make it clear how this will work.
6. There is no mention of whether a CCTV system will be installed.
7. Clear Signage will be required to instruct visitors where to enter the building.
8. Additional traffic dropping off/ parking alongside the nursery could cause potential antisocial behaviour for the residents. Vehicles parked or stationary on the access road will effectively block accessing or exiting vehicles from the occupants of the residential properties within Ynys y Coed. The situation could result in conflicts between the residents and parents attending the nursery.
9. Careful consideration will need to be given to the safety of the children who will be attending the nursery. Drop off and parking will need to be managed by a clear management plan.

6.3 *Llandaff Conservation Group:* The Group would like it noted that we are supportive of the objections that have been placed by residents in connection with the over development of the site, the fact that within the Conservation Area appraisal review, buildings along Fairwater Road are now included, and it is noted as a high quality building. It is also proposed that an Article 4 Direction be served for this new area.

6.4 In response to the amendments to the plans, the Llandaff Conservation Group stated that "The Group continues to share many of the concerns expressed in the range of submissions and existing objections. The Group urges officials to pay close attention to the impact on the Conservation Area. In particular,

in the amended application, the traffic impact remains a significant concern near this junction that already experiences major congestion issues at peak periods when the Fairwater Road/Cardiff Road junction and lights become a problem. Operating a nursery setting in the midst of this will potentially make matters far worse. As already submitted by others the Group reiterates that, in the amended proposals, the front forecourt would provide space for only 5 staff parking spaces (same number as the previous proposal). Space has been provided for cars to turn around and leave the forecourt in forward gear. 5 spaces seems to be insufficient for 21 staff. The remainder will be forced to find parking spaces on the nearby streets which will be detrimental to the area. New drop off points are now shown in a lay-by off Ynys y Coed. However there are only 2 parking spaces compared to the 8 on the previous drawings. 2 spaces for 80 children (the Applicant has admitted this is the number he expects to be delivered by car) is grossly inadequate. When these spaces are occupied, where will other parents park?"

## 7. **REPRESENTATIONS**

- 7.1 The application has been advertised by neighbour notification. Objections from 10 individual households have been received along with objections from the Llandaff society and a petition of 94 signatures opposing the scheme. 119 people also gave their names on an on-line petition objecting to the application. The grounds for objection are summarised as follows:
1. The size and scale of the proposed development is inappropriate for a residential area.
  2. The development will damage or kill trees on the eastern boundary.
  3. The assessment of the demand for the facility is based on the needs of BBC staff but they will be moving to the city centre therefore this facility will not be a viable option for them.
  4. Poor quality of the proposed extension, which will devalue the quality of the main building.
  5. The external space available for the children will be small and immediately adjacent to residential properties, which will cause noise problems.
  6. The proposed timber fence on the boundary of the site running along Ynys y Coed will quickly show signs of wear and tear, unless regularly maintained and painted. A red brick wall would be preferable.
  7. No details are given of the location of the extractor fan for the nursery kitchen, which could have an adverse impact on the amenities of neighbouring residents.
  8. There is Japanese Knotweed on the site but no details are given of how this nuisance will be dealt with.
  9. Confirmation should be provided that waste bins are screened from view.
  10. Many people have not had a chance to comment on the application. People living close by were not consulted and the process of consultation was too quick, and took place over a festive period when there were many non-working days.
  11. There will be an increase in traffic and congestion in the local area, particularly at peak times.

12. There will not be enough parking on site for 28no staff.
13. The lack of short term parking for drop-off and collection of children will lead to significant congestion and unauthorized parking.
14. The extra traffic will increase harmful pollution levels.
15. There will be an increase in risk to pedestrian safety especially children walking to and from school.
16. The site is now within the Llandaff Conservation Area. Trenewydd is a locally listed building which makes a positive contribution to the character of the area. Any development in a conservation area needs to enhance its quality but this development would damage the environment.

7.2 Councillor Philippa Hill-John also objects to the application, as follows:  
'Whilst I recognise the need to bring this property back to use I am writing to note my concerns and objections to the above proposed development for the following reasons.

#### The Conservation Area Appraisal

The CAA is currently under review and as part of this review incorporates said property. It is noted as 'remarkable example of locally listed building '. The size and scale of the development is inappropriate for a residential area. Within the proposals it is stated that the local area is a mixture of residential and retail property. This is not correct. There are no retail properties in the immediate vicinity. The closest retail building is 0.2 miles away. The scale of this proposal will have an unacceptably adverse impact upon residential amenity. The rear extension is an over-development for the size of the plot. There is also a proposal for flat roofing which will not enhance the conservation area within which this property now sits. There is no reference in the design statement in connection to the CAA.

#### Tree Survey

I would like confirmation that none of the existing trees along the Eastern wall on Maynard Court have a TPO on them by Cardiff Council officers. The plans show the extension is up to the trunks of trees T5, T6 and T7. The root protection areas are planned to be built on. T5 is an 18m Sycamore (category B tree), concern over damage to its roots and the ongoing preservation of said trees.

#### Highway safety

I would like to suggest that it would be appropriate for a full traffic survey be completed in light of the proposed impact of the additional cars arriving to the site – which will not provide any parking - during peak commuter times. With the additional staffing levels that would require up to 28 parking spaces in an already highly pressurised parking area. What solution has been given to accommodate staff parking ? I echo a local residents concern made in relation to the following:

Within the Cardiff Council Childcare Facilities Supplementary Planning Guidance document (1) it is stated that "*childcare facilities can generate considerable demand for short stay parking, especially during peak periods.*

*Proposals which would encourage short stay parking in inappropriate areas, such as near junctions, pedestrian crossings and bus stops etc. are unlikely to be acceptable”.*

The design proposals for the nursery will encourage parking near the already very busy junction between Fairwater Road and Cardiff Road, the junction between Ynys y Coed and Fairwater Road, the junction between The Avenue and Fairwater Road and the junction between Maynard Court and Fairwater Road. All of these areas are painted with double yellow lines. There is a busy zebra crossing immediately in front of Trenewydd and the proposals will encourage dangerous short term parking on or near this crossing. There is also a bus stop in front of 7 Fairwater Road. The development will encourage short term parking on this stop.

There is very limited reference in the design statement as to how this matter will be addressed and what they propose will cause safety issues within the surrounding areas.

There has also been an ongoing issue in Ynys y Coed , a narrow cul-de-sac with a pinch point to the Western side of Trenewydd that does not allow two cars to pass each other. Parking on the pavement along this part of the road will block access to the 6 houses on Ynys y Coed. The extra traffic generated will have a great impact on the residents of Ynys y Coed. There are 4 families with young children who play in the cul-de-sac and walk to and from school the extra vehicles will be dangerous. Access to the cul-de-sac for residents at peak times will be hugely affected by the development.

Again it has been noted in another objection about the air pollution which we are working with the council to look at monitoring in this area and along Cardiff Road.

This proposal alongside the ongoing development of the sites along Llantrisant road will further exacerbate the problem of increased air pollution. As already stated :

The Cardiff Council “school street pilot scheme”(2) recognises this: *“Roads around school gates are often dominated by cars – many causing a danger to children and contributing to harmful pollution levels in the area” (2).*

This development will also require access for emergency vehicles, for food and equipment delivery and for waste collection vehicles. Access to the property for these vehicles is not included in the plans.

#### Accessibility statement.

It is incorrect for the developers to say that the nursery is highly accessible by public transport and other sustainable means of transport. The only bus that runs along Fairwater Road is the number 66 that runs once an hour. The first bus does not arrive until after 9.30am on a weekday morning. Fairwater and Llandaff train stations are mentioned as being in walking distance of the nursery. Llandaff station is 1.2 miles from the nursery and a 27 minute walk each way. Fairwater station is a 15 minute walk each way and is infrequently

served by trains. The use of public transport is not a practical option for parents with babies and children attending the nursery. There is no dedicated safe cycle route to the nursery. Therefore the mode of transport to the site will be by car. In order to achieve the 50:50 modal split we as a council should be encouraging all new developments to provide facilities for staff to use alternative modes of transport. This has not been planned into the design. Should this application be approved it would be a concern as to where all the contractors vehicles were to park safely without causing parking pressure on the surrounding area.

7.3 In response to amendments to the original plans, Councillor Philippa Hill-John submitted the following additional comments:

“I would also like it noted that as quoted by the head of planning James Clemence ‘the building is afforded heritage consideration through its locally listed status..... it is also very clearly in the extended area for designation’. This is a valid material consideration with some weight given that the consultation process for the Conservation Area Appraisal has been completed and no opposition has been raised.

#### Highway safety T1, T5, T6, T7 C6

The developer anticipates that the drop off time will be 3 minutes, with 8 car parking spaces. With the BBC closing and the conversion of this site along with the continuing development along Llantrisant road and at Rookwood hospital site will only further add to the traffic density and safety issue. It will compound what has already been reported as an issue in Ynys Y Coed. To date I am not aware as to whether a full traffic survey has been conducted and would still request this is a requirement prior to approval.

#### EN13 Air pollution

Development will not be permitted where it will cause or result in unacceptable harm to health, local amenity etc.

In summary, I do not feel valid issues raised by residents have been noted or responded to, to this end I would recommend that this application is refused.”

7.4 Councillor Philippa Hill-John has also commented on the latest amendments, received in November 2020, as follows:

“I regret that my objections to the proposed application still remain. The concerns regarding the amendments have been cited in objections already received and are re-stated below.

The limits placed on parking will add to the congestion on the main road and be of considerable highway safety and I would like reassurance that the police advice has been sought and a full assessment of the safety of this site has been conducted.

The amendments proposed to the forecourt and turning bay are insufficient to deal with the transport implications of a nursery of this size on such a constrained site. Moreover it has no frontage parking, being located opposite a zebra crossing, and is very close to a busy junction where 2 single carriageway radial routes - leading from major new development areas -

merge.

The changes made to the forecourt to accommodate parents and children walking in are welcome, but to provide only 3 parking spaces on site for 28 staff, and none for parents, is totally unacceptable. The single dropping off/picking up bay for parents is located at the entrance to a private road (Ynys y Coed). It would inevitably lead to queues forming along Fairwater Road in both directions and to an increased risk of accidents involving pedestrians, cyclists and motorists or all three.”

## 8. **ANALYSIS**

- 8.1 The application site is within a residential area and there are no land use policy objections to the principle of providing a day care nursery in this location: the Supplementary Planning Guidance “Childcare Facilities” (para. 5.8) advises that *“Applications for childcare facilities often propose the change of use of existing dwellings, particularly larger traditional properties near employment areas, shopping centres and schools. Childcare facilities serve an important community function. They are a community use which is considered appropriate and necessary, in principle, within residential areas, subject to considerations of scale and impact upon residential amenity. Within residential areas, childcare facilities would be considered acceptable where they:*
- *Would not have an unacceptable adverse impact upon residential amenity;*
  - *Can provide satisfactory arrangements for access and parking provision;*
  - *Provide satisfactory arrangements for signage and window displays.”*
- 8.2 Paragraph 5.9 of the SPG states that *“ In determining whether a proposal in a residential area is likely to have an unacceptable adverse impact upon residential amenity, the following factors will be considered:*
- *The type of property – most suitable would be existing non-residential properties, detached dwellings, pairs of semi-detached dwellings, or a semi-detached dwelling adjoining an existing commercial property;*
  - *The characteristics of the area – consideration would be given to the residential character of the area and the type and number of other non-residential uses in existence in the street;*
  - *The adequacy of access by means of transport other than private car and the likelihood of generating traffic and demand for parking;*
  - *The likelihood of generating noise, disturbance, smells etc;*
  - *The numbers of children to be cared for and the number of staff;*
  - *The proposed hours of operation;*
  - *The location and proximity of outside play areas in relation to nearby residential accommodation.”*
- 8.3 In this context, the type of property (a large, detached building formerly used as offices) is considered appropriate as is the location (within a residential area, only around 200m from the Llandaff High Street local shopping centre and 350m from Llandaff Primary School).
- 8.4 With regard to the characteristics of the area, the property now falls within the

recently-extended Llandaff Conservation Area and therefore the impact of the development on the character and appearance of the Conservation Area must be taken into consideration. Trenewydd is also 'locally listed' as a fine late C19<sup>th</sup> arts and crafts inspired detached house, dated 1890, and is part of the wider late C19 development of Llandaff and one of the earlier developments fronting onto Fairwater Road. However, the house has largely been gutted internally. Some detailing survives, such as the staircase, a fireplace on the upper floor and some fittings/detail around the main entrance, but it is largely a shell. Cadw considered the building for spot listing in September 2018, however they concluded that internally it was too heavily modified and externally it lacked the flair that the best houses of this period demonstrate and was therefore not considered to be among the best examples of its type.

- 8.5 In terms of the impact of the extensions on the character and appearance of the locally listed building and Conservation Area, the addition of the side extension would lower the eaves to ground floor level as a 'catslide' roof and would feature two appropriately scaled and detailed dormer windows and three small rooflights that would not be visible from any prominent position. The existing elevation is not easily appreciated from public viewpoints and the addition is considered to be sympathetic in scale, form and detailing. As such it would preserve the special local interest of the building and the character and appearance of the Conservation Area.
- 8.6 The rear extension is not sympathetic with the character of the house in terms of form, taking a contemporary, utilitarian, flat roof approach that will contrast with the steeply pitched roofs and historic detailing which characterise the house and the wider area. However, an extant permission (15/03160) – which could still be implemented - for *“single storey rear extension including creation of basement area with swimming pool; raised garden terrace; proposed double garage to the front with single storey link extension to the side of the main property; other alterations including window alterations and creation of juliet balcony in the first floor rear elevation and new boundary wall”* was approved in 2016, which features a ground floor element across a larger section of the rear elevation, together with a semi-basement swimming pool/gym. The current proposal is for an extension that is more limited in footprint within the south eastern corner of the site. When compared to the approved rear extension, the height is slightly greater across the overall footprint; however, in consideration of its position and height within the site and in relation to the existing building, the relative lack of prominent views towards this part of the building and the extant permitted scheme, on balance it is considered to be an acceptable addition that would preserve the interest and setting of the locally listed building and the character and appearance of the Conservation Area. Bringing a large, vulnerable, historic building back into sustainable use is also considered to weigh significantly in favour of the proposals.
- 8.7 Initially there were concerns that the character of the area could be adversely affected by the loss of, or significant harm to, a protected tree close to the eastern boundary of the site caused by the construction of the side extension. However, these concerns were overcome by amendments to the



proposals which reduced the footprint of the extension to avoid the root protection area of the tree, and it is now concluded that unacceptable harm will not result to trees of amenity value (subject to the approval of full tree protection details via a planning condition).

- 8.8 The Fairwater Road frontage is particularly stark as a consequence of the lack of soft landscaping and would benefit considerably from the creation of soft landscape beds, therefore, to improve the appearance of the area (particularly since its inclusion within the Llandaff Conservation Area) and to compensate for the potential loss/sealing of vegetated soils as a result of the development, and to enhance biodiversity, a landscaping scheme should be required via a planning condition should the application be approved.
- 8.9 A major concern with regard to this application is the adequacy of access by means of transport other than the private car and the likelihood of generating traffic and demand for parking. Traffic and parking concerns form the majority of the objections that have been received, and consideration of the application has been delayed as a result of discussions with the developer regarding amendments designed to overcome such concerns.
- 8.10 The Transportation officer had a number of objections to the original plans, which showed 8 drop-off spaces at the front of the building and 5 staff parking spaces adjacent to Ynys Y Coed at the rear: insufficient information had been provided regarding traffic generation figures or the adequacy of the double junction with Ynys y Coed and Fairwater Road, no details of the existing ramped access were included, tracking movement diagrams were needed illustrating how vehicles would make the reversing and turning movement whilst accommodating the pedestrians/cyclists on site, there was no dedicated pedestrian/cyclist access point or routes through the site, the cycle store and buggy store were both located to the rear of the car park (drop-off area) requiring all users to walk across the car parking area to access either store, the pedestrian access to the main entrance appeared to use the same access as the vehicles and therefore the potential for conflict between pedestrians / cyclists and cars appeared to be increased and there did not appear to be a significant area for vehicles to manoeuvre at the front of the proposed establishment. Also, whilst the 5 staff parking spaces accorded with the maximum car parking specification in the current SPG, the provision of 8 drop-off spaces was considered excessive (drop-off spaces would encourage the use of cars to access the nursery). Given that the drop-off entrance would have been close to the Fairwater Road/Ynys Y Coed junction, there were also concerns that vehicles accessing the drop-off car park may queue back through the junction onto Fairwater Road. The proposed drop-off car park required all vehicles to reverse out of the parking bays across the neighbouring bays, which in itself was likely to lead to delay and additional traffic movement within the school main entrance area.
- 8.11 Following discussions between the Transportation officer and the applicant's transport consultant, amended plans were submitted which relocated the drop-off spaces to the rear of the site and reduced the number of these spaces to two. However, concerns still remained with regard to the potential

for conflict between pedestrians/cyclists and cars and whether there was adequate space for vehicles to manoeuvre at the front of the proposed establishment. The vehicle tracking provided appeared to confirm this concern. There was also concern that a nursery of this size would typically generate 30 traffic movements during the morning peak of activity (8am to 9am) - there would typically be 16 vehicles arriving and 14 vehicles departing - but no attempt had been made to estimate the adequacy of the proposed drop-off spaces in conjunction with the potential traffic impact on Ynys y Coed. There were concerns that any vehicles accessing the drop-off spaces may queue on Ynys y Coed because each vehicle would need to use the existing turning head to reverse and turn around to leave.

- 8.12 Further amendments were obtained, which reduced the maximum number of children that would attend the nursery from 100 to 60, reduced the number of staff parking spaces at the front of the site to three, included vehicle tracking information which showed that there was adequate space to accommodate these spaces safely, provided separate pedestrian access, reduced the drop-off facility at the rear to one space and rearranged this area so that vehicles would not have to use the turning head at the end of Ynys Y Coed, and provided a shelter for staff and children waiting at the drop-off area.
- 8.13 The amendments are considered to have overcome concerns regarding traffic generation, parking and highway safety, subject to conditions relating to the maximum number of children permitted at the nursery, opening hours, design of the drop-off bay, production of a Travel Plan, highway improvement/reinstatement works, staff parking spaces and cycle/scooter spaces and the imposition of a Traffic Regulation Order prohibiting loading (i.e. dropping-off / picking up children) on Ynys Y Coed. The Transportation officer's observations on the final amended plans are set out in paragraphs 5.1 to 5.5 of this report.
- 8.14 In response to the concerns and objections received, which are summarised at section 7 of this report:
1. The size of the extensions to the building is considered acceptable and will have a lower impact than the previously approved scheme. The site is not within a typical residential area as it fronts onto a relatively busy highway rather than a quiet residential street, with the former Rookwood Hospital site only 50m to the west and the junction with the A4119 70m to the east. The building itself was formerly offices for the Local Health Board. The 'Childcare Facilities' SPG advises that *'Childcare facilities serve an important community function. They are a community use which is considered appropriate and necessary, in principle, within residential areas, subject to considerations of scale and impact upon residential amenity.'* The impact on residential amenity will be addressed later in this analysis.
  2. This issue has been resolved by reducing the size of the side extension. The Tree Preservation Officer has no objections to the proposals.
  3. The applicant's assessment of demand for the facility is not based

solely on the closure of the BBC nursery: they also state that: *'Over the recent months there has been more of a demand for childcare places for three to four year olds within the nurseries due to the introduction of the government-funded Childcare Offer initiative. We envisage that the demand for childcare within this age range will continue as the initiative is rolled out through Cardiff with a full roll out in Wales planned from September 2020.'* There was in any case no need for the applicant to prove there is a need for the nursery before applying for planning permission.

4. The main building is not statutorily listed but is on a local list of buildings of merit, and is now within a conservation area. These factors have been taken into consideration in assessing these proposals and the Council's conservation officer has no objections to the proposals, which were amended to ensure that the extension will be faced in brick to match the existing building. The issue of the impact on the character and appearance of the building and the conservation area is discussed above at paragraphs 8.4 to 8.6.
5. Whilst the outdoor space for the children will be adjacent to the boundary with no. 1 Ynys Y Coed, it is not considered that noise disturbance will cause a nuisance to residents. The Pollution Control (Noise) officer raises no objections, subject to approval of details of the acoustic treatment of the outdoor shelter (which is the part of the play area abutting the boundary). It should also be noted that not all the children would be outside at the same time and that, given the hours of operation of the facility, there will be no noise at unsociable hours or at weekends.
6. This would be true of all boundary fences. It cannot be assumed that the owner will not maintain the fence in good order. It would not be in the interests of the public image of the business to allow the appearance of its boundaries to deteriorate.
7. Details of this will be required to be approved before any hot food is cooked in the premises.(see condition 11).
8. This is not a planning issue. It is the owner's responsibility to ensure that any Japanese Knotweed on the site is treated in accordance with the relevant legislation.
9. The bins will not be visible as they will be stored within an existing red brick enclosure at the front of the building. The Waste Strategy & Minimisation Officer has confirmed that this is acceptable.
10. The planning application was advertised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended): letters were sent to the addresses of all properties that would be immediately affected by the development giving 21 days for responses to be submitted and all amendments to the proposals were publicised, giving interested parties additional opportunities to submit comments. The number of comments received suggests that the publicity was effective.
11. This issue is addressed above. Available data suggests that there will be no significant increase in trip generation as a result of this development and the Transportation officer has no objections on these grounds.

12. The number of staff parking spaces accords with the requirements of the adopted SPG 'Managing Transportation Impacts' and the Transportation officer has no objections on these grounds.
13. Considerable effort has been put in to finding an acceptable solution to the need for short term parking for this development. The facility now proposed is considered by the Transportation Officer to be acceptable. This issue is discussed in more detail above.
14. Available data does not point to a significant increase in traffic, and any increase will not be so large as to create any discernible increase in pollution levels. The Pollution Control officer has raised no concerns in this respect.
15. Transportation officers have not identified any increased risk to pedestrians. There will be no excessive increase in traffic, no new access points for vehicles and no changes to the existing highway. There are existing waiting restrictions (double yellow lines) in the vicinity of the application site which prohibit parking 24 hours a day and there is a zebra crossing in front of the site, which will remain. The Transportation officer considers that there are adequate footways and pedestrian facilities adjacent to the proposed site.
16. It is considered that the development will have a positive impact on the character and appearance of the conservation area by enabling the retention of an attractive building and ensuring its future maintenance with minimal alterations. The property has been left in a very poor condition and has been unoccupied for around 7 years. A nursery use will provide the opportunity to fully restore the property whilst retaining existing key features, existing fenestration and the majority of the original floor layouts and staircases. This proposal represents an improvement on the extant permission granted in 2016 for residential conversion, which included a less appropriate rear extension as well as a new garage on the site frontage and other alterations including a side extension which would impinge on the root protection area of trees.

8.15 In response to the main points of objection submitted by Councillor Philippa Hill-John:

- Issues relating to the conservation area and Conservation Area Appraisal are addressed earlier in this report.
- One tree along the eastern side is protected by a Tree Preservation Order and the others now enjoy the protection afforded to trees in conservation areas. The issue of potential harm to trees in this location has been resolved by redesigning the side extension.
- It is not necessary, or currently practical, to carry out a full traffic survey. Existing data, including information on typical vehicle movements associated with a nursery of this size, have been used to assess the impact of the proposals. This issue is discussed in detail earlier in this report. Staff parking, also discussed above, is in accordance with the Council's adopted standards and there are measures in place (such as double yellow lines) which will prevent short stay parking in inappropriate places – any parking in such areas would be illegal and can be enforced against. It cannot be assumed that people will commit road traffic offences in this location: this would not constitute reasonable grounds for refusal of

the application.

- A new TRO, paid for by the applicant, will prohibit vehicles from stopping on this road and parking on the pavement is illegal.
- The existing data suggests that there will be 18 movements during the peak hour, along with the background traffic generated from the residential area to the west of the site (5 movements during the peak). This is not excessive and will not lead to a significant impact on the residents of Ynys Y Coed. The previous use as offices, which included a large car park accessed via Ynys Y Coed, would also have generated traffic in this location at peak hours.
- Children are unlikely to be playing in the cul-de-sac at peak traffic times. Also, Ynys Y Coed is an adopted highway, which is not a suitable location for outdoor play.
- The issue of air pollution is discussed earlier in this report.
- The previous use would also have required access for service vehicles. This will not be a frequent requirement and the existing arrangements are considered acceptable. Service/emergency vehicles will be able to utilise the existing access to the parking area at the front of the site.
- There are options for staff and parents to use sustainable methods of transport. There are several bus stops within approximately 200m of the site, on Cardiff Road as well as Fairwater Road, and there is an off-road cycle track along Fairwater Road. Fairwater railway station is less than 1km away (around 0.5 miles) and there are safe pedestrian facilities in the area. The applicant will also be required to produce a Travel Plan, setting out how sustainable transport modes will be encouraged.
- At present there is a large off-road parking area at the rear of the building and it is assumed that, until this area is developed as the garden and outdoor space for the nursery, contractors' vehicles would be able to park there.
- The advice of South Wales Police has been sought and their observations are given in section 6 of this report. With regard to traffic and road safety, they had initial concerns regarding parked or stationary vehicles on Ynys Y Coed which could result in conflicts between the residents and parents attending the nursery and requested that, in the interests of safety, drop off and parking should be managed by a clear management plan. They were re-consulted on the amended plans but did not provide any comments. Their concerns have been taken into consideration in the amendments that have been made and in the requirement for a Travel Plan.

8.16 In conclusion, there are no land use policy objections to the principle of providing a nursery in this residential setting; the development will provide an important community use and will have a minimal impact on residential amenity; the proposal represents a realistic opportunity to prevent the further deterioration of an important locally listed building and there will be no unacceptable negative impact on the character or appearance of the Llandaff Conservation Area; existing trees will be protected and new planting will be secured; and, following extensive discussions between the Council's Transportation officer and the applicant's transport consultant, concerns regarding the possible impact of additional traffic and parking demand are considered to have been overcome by the submission of acceptable amended

plans and a significant reduction in the number of children attending the nursery. There are no reasonable grounds for refusal of the application and approval is recommended, subject to the conditions and S106 obligation detailed above.

## 9. **OTHER CONSIDERATIONS**

### 9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### 9.2 *Equality Act 2010*

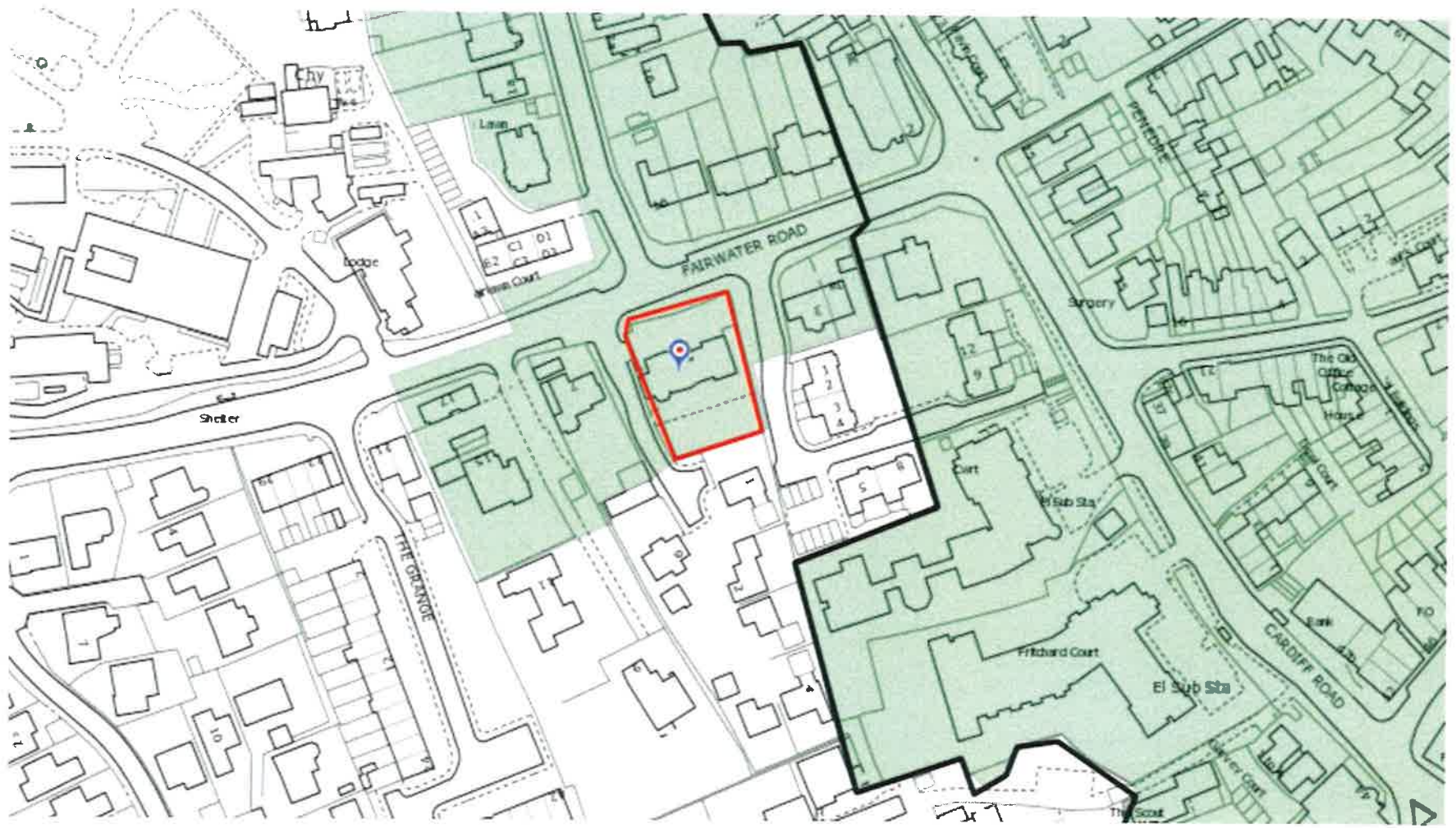
The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

### 9.3 *Environment (Wales ) Act 2016*

The Environment (Wales ) Act 2016 imposes a duty on the Local Authority to seek to maintain and enhance biodiversity in the proper exercise of its functions. and in doing so to promote the resilience of ecosystems. It is considered that the proposed development does not have any significant implications for, or effect on, biodiversity.

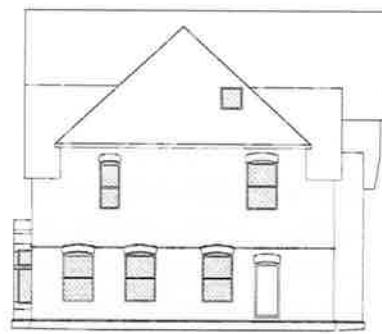
### 9.4 *Well-being of Future Generations (Wales) Act 2015*

The Well-being of Future Generations (Wales) Act 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development. The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WCFG Act), has been considered and account has been taken of the ways of working set out at section 5 of the WCFG Act in the determination of this application, and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the well-being objectives referred to in section 9 of the WCFG Act.

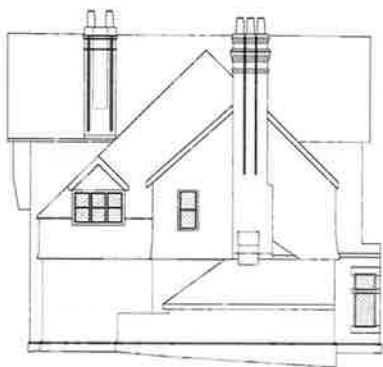




EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION

| REV | DATE | REVISION DETAILS | BY |
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SETTING OUT TO BE CHECKED ON SITE WITH THE PROJECT SUPERVISOR. ALL DIMENSIONS TO BE CHECKED ON SITE BY THE GENERAL CONTRACTOR (S) AND TO BE REPORTED IMMEDIATELY TO THE PROJECT SUPERVISOR.

**MITCHELL EVANS**  
ARCHITECTS

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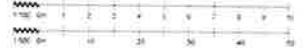
JOB TITLE  
Trenwydd  
Fairwater Road  
Llandaff, Cardiff

DRAWING TITLE  
Existing Elevations

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SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION

A 22-04-20 Elevations updated

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CLIENT

Mr Peter Reynolds

JOB TITLE

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Fairwater Road  
Llandaff, Cardiff

DRAWING TITLE

Proposed Elevations

SCALE

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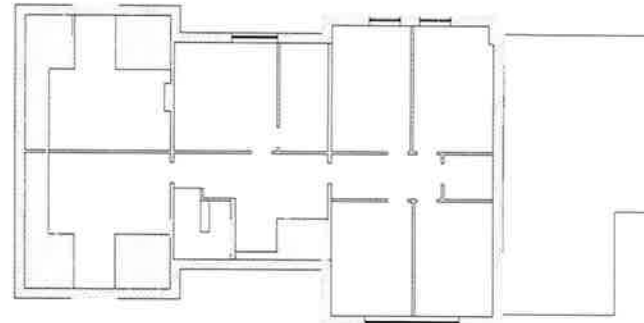
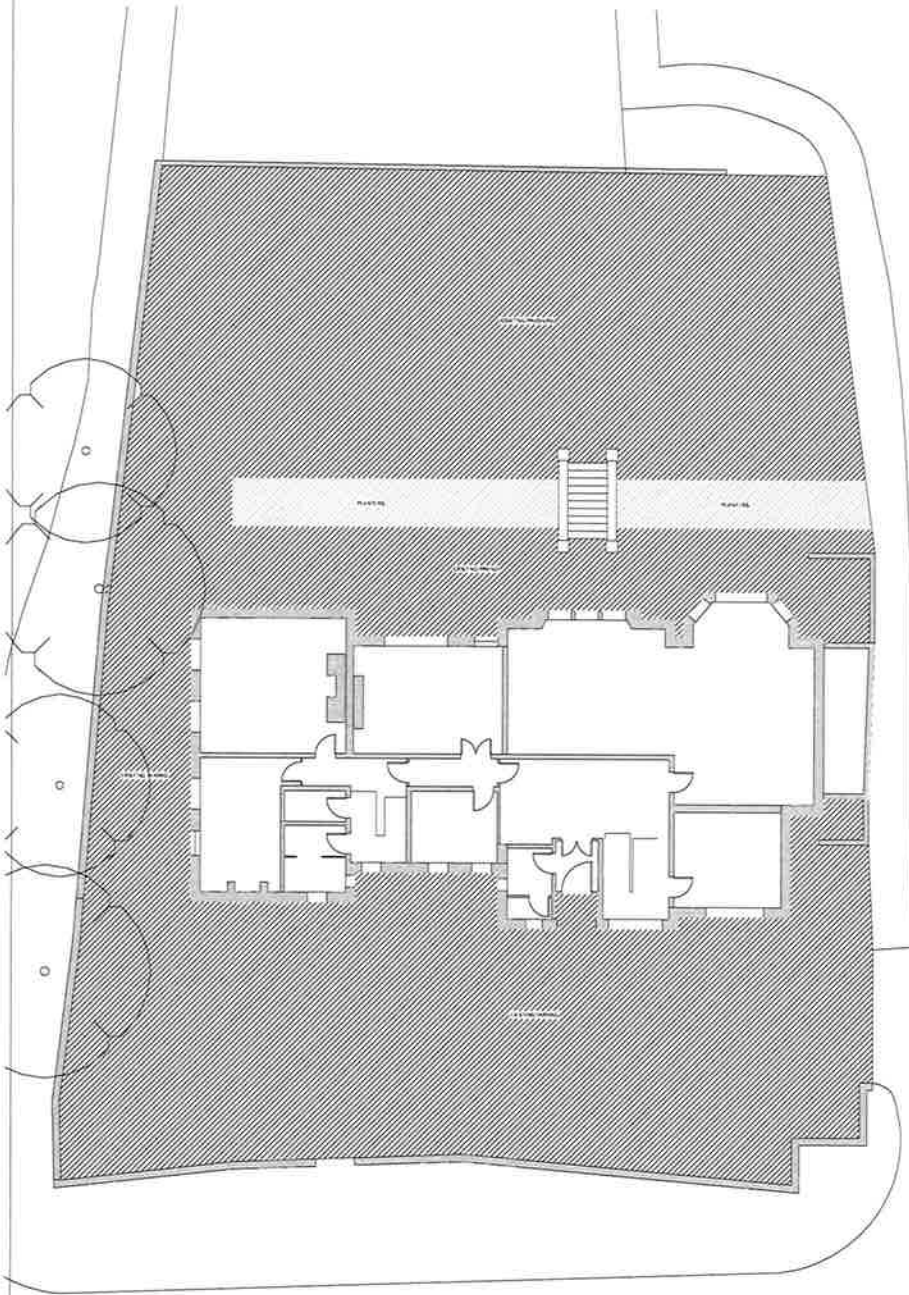
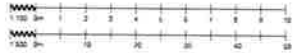
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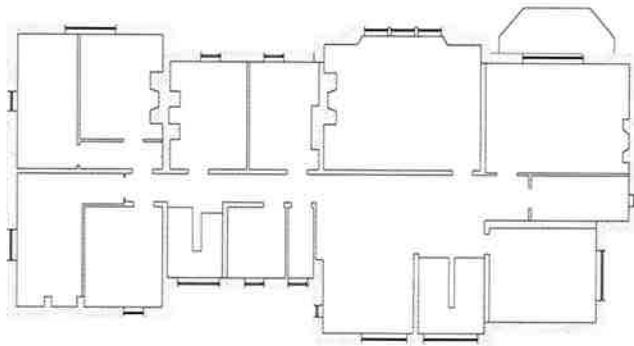
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SECOND FLOOR PLAN



FIRST FLOOR PLAN

A 29.05.20 Existing external landscaping added

| REV | DATE     | REVISION DETAILS                    | BY |
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| A   | 29.05.20 | Existing external landscaping added |    |

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Existing Plans

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Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/01785/MNR** APPLICATION DATE: 05/10/2020

ED: **FAIRWATER**

APP: TYPE: Full Planning Permission

APPLICANT: Mr Leahy

LOCATION: 184 BWLCH ROAD, FAIRWATER, CARDIFF, CF5 3EF

PROPOSAL: CHANGE OF USE FROM RESIDENTIAL DWELLING TO HOUSE IN MULTIPLE OCCUPATION, EXTERNAL ALTERATIONS AND INCREASE IN HEIGHT OF BOUNDARY ENCLOSURE

**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried in accordance with the following approved plans:
  - PL 02 Revision C
  - PL 03 Revision A
  - PL 04 Revision A

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Prior to the beneficial use of the property as a C4 HMO 6 undercover and secured cycle parking spaces, as indicated on drawing number PL 03 Revision A shall be provided within the curtilage of the property and shall thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

Reason: To ensure that secure cycle parking facilities are provided to encourage other modes of transport over the private car.

4. Prior to the beneficial use of the property as C4 HMO a refuse storage area as indicated on the approved site layout plan shall be provided within the curtilage of the property. The refuse storage area shall thereafter be retained and maintained for as long as the use hereby permitted remains in existence.

Reason: To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local Development Plan 2006-2026.

**RECOMMENDATION 2** The applicant be advised that the property may now be licensable under Part 2 of the Housing Act 2004 and in this respect they should contact Shared Regulatory Services on 0300 123 6696 to confirm if a license is required.

## 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to change the use of the property from a C3 residential dwelling to a 6 bedroom C4 HMO. The submitted drawings/details provide information regarding the principal matters for consideration as set out in the relevant Supplementary Planning Guidance. Since the application was originally submitted the description has been changed to incorporate alterations to the boundary enclosure fronting onto Fairways Crescent by the addition of a 600mm timber fence, external changes to the extension previously approved and a reconfigured internal layout.
- 1.2 Internally the property accommodates three bedrooms, a kitchen/dining room, a shower room, a toilet and lounge on the ground floor and three bedrooms and a bathroom on the first floor.
- 1.3 Externally a private rear amenity space of approximately 60 square metres is provided.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a semi-detached dwelling located on the corner of Bwlch Road and Fairways Crescent within the Fairwater Ward of Cardiff. The lawful use of the property is a C3 residential dwelling and the area consists mainly of semi-detached properties which fall into Use Class C3 Residential.

## 3. **SITE HISTORY**

20/01354DCH - Planning permission granted on 12<sup>th</sup> August 2020 to erect a single storey side and rear extension. This planning permission has been implemented.

## 4. **POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.
- 4.2 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)  
Planning Policy Wales TAN 12: Design  
Planning Policy Wales TAN 21: Waste

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5 : Good Quality and Sustainable Design

Policy KP8 : Sustainable Transport

Policy KP13 : Responding to Evidenced Social Needs

Policy H5 : Sub-Division or Conversion of Residential Properties

Policy T5 : Managing Transport Impacts

Policy W2 : Provision for Waste Management Facilities in Development

4.5 Relevant Supplementary Planning Guidance:

Managing Transport Impacts (Incorporating Parking Standards) (2018)

Houses in Multiple Occupation (HMO's) (2016)

Waste Collection and Storage Facilities (2016)

5. **INTERNAL CONSULTEE RESPONSES**

5.1 Waste Management have been consulted and have advised the following.

An increase in the number of habitable rooms will lead to an increase in the production of waste.

The proposed area for the storage of waste and recycling in the rear garden has been noted and is acceptable.

A larger bin and additional food caddies can be obtained by contacting C2C on 029 20872087 depending on the number of permanent residents at the property.

Refuse storage, once implemented, must be retained for future use.

5.2 Traffic and Transportation have been consulted and have advised that a maximum of 1 car parking space is required for the conversion of the property to a C4 HMO and that no more car parking spaces are required. They also advise that 1 undercover and secure cycle parking space is required per bedroom.

5.3 Housing Enforcement have advised the following:

I have noted that the ground floor rear left hand side bedroom is an inner room to the kitchen. They will need to ensure that there is a suitable escape window fitted to this room and that the occupant is able to escape to a place of safety. The room will need to be fitted with an FD30 fire door (this would include intumescent strips with no smoke seals and a suitable self-closing device that enables the door to be closed fully to the latch, (standard Perko type chain closers are not permitted).

They also need to be aware of the kitchen amenity requirements for 6 occupants, which is 2 full size sinks (with drainers) or one full size sink (with a drainer) and a dishwasher; they will also need to ensure two full size

cookers (8 hob rings, 2 ovens and 2 grills), or one full size cooker, plus a convector microwave with a capacity of not less than 1.1 ft<sup>3</sup>.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police have been consulted and do not object to this application.
- 6.2 Dwr Cymru/Welsh Water were contacted following concerns raised during the consultation process and advised the following:

I can advise that the foul flows from a 6 bedroom HMO will be minimal – having checked our records I cannot see any existing issues of hydraulic capacity on the network also.

Based on the above we have no objections to this application.

## 7. **REPRESENTATIONS**

- 7.1 Neighbours have been consulted. Objections have been received from the following addresses:
- 2, 76, 92, 108, 118, 119, 124, 126, 132, 142, 160, 168, 172, 178, 182, 183, 189, 199, 217, 219, 221, 223, 225, 227 Bwlch Road  
1, 2, 3, 4, 5, 6, 7, 8, 14, 15A, 17, 20, 22, 23, 24, 32, 33, 35, 37, 39, 40, 41, 47, 49 Fairways Crescent  
32, 59, 66, 68 Wellwright Road  
53 Everswell Road  
29 Gorse Place  
44 Glan Ely Close  
7 Oakway  
13 Cartwright Lane  
8 Maple Road  
5 Birch Walk  
35 Victoria Park Road West

A summary of the objections is as follows:

- High turnover of tenants and uncertainty over the type of tenants who will reside there i.e. convicted felons or students;
- Potential noise and anti-social behaviour from future occupiers;
- Parking issues and potential dangers as the property is on a corner and there is a bus stop outside it;
- The area is predominantly a family area and is not suitable for this type of accommodation;
- Loss of community cohesion;
- There is a school within close proximity therefore it would not be in the public interest to have a HMO here due to the types of occupants it would attract;
- Potential to convert the living space into more bedrooms;
- Issues with refuse storage and management;
- Loss of privacy from users of the garden;



- Impact on property prices;
- Concerns the change of use will have on the sewerage system;
- Exploitation of vulnerable people who will be housed there;
- If this application is approved it will lead to more properties being turned into HMO's;
- Loss of privacy to properties on Bwlch Road from being overlooked by the bedrooms within the property;
- Health and Safety issues and overcrowding;
- Lack of en-suite facilities for occupants;
- As there are currently no HMO's within the vicinity there is clearly no demand for one;
- Potential fire alarm issues with 6 people using the kitchen;
- Failure to comply with the plans submitted for the ground floor extension only recently approved and not completed;
- Possible encroachment onto the neighbouring property with respect to the extension;
- Work had already started on the conversion;
- Noise being transferred from the HMO to the neighbouring residential property;
- No indication as to whether the property will be managed/warden controlled 24/7;
- Potential issues due to the current Covid-19 pandemic with 6 different people living at the property.

7.2 Since the application was originally submitted the description of the development was changed and amended plans were submitted. In response to the additional consultations further objections were received from the following addresses:

142, 172, 178, 182, 199, 211, 221, 225 Bwlch Road, 2, 4, 6, 11, 20, 23, 26, 32  
Fairways Crescent 13 Cartwright Lane

They object for the following reasons:

- Impact on street parking by only providing 1 car parking space;
- Highway safety issues by virtue of vehicles parking outside the property at the bus stop;
- The area is family orientated and the proposal will lead to a change to a student area;
- Devaluing property prices within the area;
- Upkeep of the property;
- Additional noise and anti-social behaviour;
- Issues with waste;
- The layout is not ideal and would not be large enough for the number of residents proposed;
- Work has already been carried out to the property;
- The alterations to the boundary enclosure does not address residents concerns.

- 7.3 Local Councillor Ford also objects to the application and has advised the following:

*I object on the grounds of the above application on multi-occupation which could be up to 12 people living in the property.*

*All the houses in the area are 3 Bedroom family houses.*

*Overlooked at residents property and problems with anti-social behaviour.*

*Noise effect neighbours properties because of walls of different bedrooms and kitchen and living room areas.*

*Problems with parking near a bus stop which is very dangerous.*

*I thank you for your attention to this matter.*

## 8. **ANALYSIS**

- 8.1 This application seeks planning permission to change the use of the property from a C3 residential dwelling into a 6 bedroom C4 HMO. As Use Class C4 allows for tenanted living accommodation occupied by up to six people, who are not related and who share one or more basic amenities as their only or main residence, the main issue for this application is the impact the change of use will have on the character of the area, the community and the living conditions of future occupiers of the property together with the external changes to the extension and the alterations to the boundary enclosure.

- 8.2 **Policy Considerations** - In respect of the conversion of the property to a C4 HMO Policy H5 of the adopted LDP is considered relevant. Further guidance can also be found in the adopted HMO SPG

- 8.3 Policy H5 of the LDP is considered to be a prescriptive policy whereby as long as the relevant criteria is met there is unlikely to be any objection to such proposals. It advises that:

*“Proposals for any conversion to flats or Houses in Multiple Occupation will be permitted where:*

- i. The property is of a size whereby the layout, room sizes, range of facilities and external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.*
- ii. There would be no material harm to the amenity of existing, nearby residents by virtue of general disturbance, noise or overlooking.*
- iii. The cumulative impact of such conversions will not adversely affect the amenity and/or the character of the area.*
- iv. Does not have an adverse effect on local parking provision.”*

- 8.4 The approved Supplementary Planning Guidance on HMO's further expands on this Policy and aims to provide background information on, and provide a

rationale for how the Council will assess applications for planning permission to create new C4 and *Sui Generis* HMOs. It aims to identify the threshold at which it is deemed that the concentration of HMOs in an area has reached a level considered to adversely impact upon the community. It is recognised that HMOs can provide an important source of housing and it is recognised that demographic change has driven many of the changes that have seen traditional family homes become HMOs. HMOs are a popular accommodation source for many groups, including students, young professionals, migrant workers and often people on lower incomes.

However, concentrations of HMOs clustered in small geographical areas can detract from the character of the area and actively contribute towards a number of perceived problems, including, but not limited to:

- Increased population density, leading to greater demand for infrastructure, such as waste collections and on-street parking.
- Higher proportion of transient residents, potentially leading to less community cohesion, undermining existing community facilities
- Areas of higher HMO concentrations becoming less popular with local residents, with many properties taken out of the owner-occupier market.
- A proliferation of properties vacant at certain points of the year
- Subsequent impact on crime, local centre viability, as a result of the number of properties temporarily vacant for long periods.

It is considered that this may conflict with policy KP13 of the LDP which aims to improve the quality of life for all.

Having identified some of the issues caused by HMOs the Council considered it was necessary to determine a threshold at which new HMOs may cause harm to a local area. This threshold will resist further HMOs in communities that already have a concentration above this limit, while also controlling the growth of HMOs in communities below this threshold. A two-tier threshold will therefore be applied to determine when an area has reached the point at which further HMOs would cause harm. In Cathays and Plasnewydd the figure of 20% is to be applied and in all other wards, the figure of 10% is to be applied.

This means that within Cathays or Plasnewydd, if more than 20% of the dwellings within a 50m radius of the proposed HMO are already established HMOs (i.e. either C4 or *sui generis* in Planning terms) then this development would be considered unacceptable. In other wards the figure would be 10%.

Having regard to the “cumulative impact” of such conversions in respect of this application, an analysis has been made on the extent of HMO’s (including those defined as such under Sections 254 to 259 of the Housing Act 2004 and those covered under the Additional Licensing Scheme which operates within the Cathays and Plasnewydd Wards of Cardiff) against the threshold limits identified above. As the application site is located within the Fairwater Ward of Cardiff a 10% threshold limit will be relevant and having undertaken such

checks within 50m of the application site it was found that there were no registered HMO's within the vicinity which equates to 0%. This is below the 10% limit which would trigger the active consideration of negative cumulative impact consequences.

- 8.5 **Room Sizes** – The Cardiff HMO Licensing Fire & Safety Standards (updated in 2014) sets standards in terms of amenity, space standards and facilities which must be adhered to in order to obtain a License from the Council. From a planning perspective, paragraph 6.1.1 of the adopted HMO SPG identifies that this would be the minimum that would be expected to be achieved for all applications for both C4 HMO's and larger sui generis HMO's. Having had regard to this criteria the submitted plans indicate that these standards would be met.
- 8.6 **Waste** – Policy W2 of the Cardiff Local Development Plan seeks to ensure that adequate provision is made for waste management facilities within new developments, in order to aid the Council in meeting the challenging waste recycling targets set by European and National targets. Facilities provided should be secure, unobtrusive and easily assessable.

The adopted Waste Collection and Storage Facilities SPG supplements policies adopted in the LDP relating to the provision of waste management facilities in new development. Paragraph 4.12 of the approved SPG on Waste Collection and Storage Facilities advises that for HMO's the recommended bin allocation for between 6 & 8 residents is as follows :-

*1 x 240L bin for general waste*  
*1 x 240L bin for garden waste (if required)*  
*2 x 25L bins for food waste*  
*Green bags for recycling.*

Details of waste provision have been submitted as part of this application. Waste Management have confirmed that the submitted details are acceptable. Condition 4 has been imposed to ensure the bin storage area is provided and retained.

- 8.7 **Transportation** - The creation of a HMO in this sustainable location is considered to fundamentally accord with the principles of sustainable design, locating places to live within walking distance of local amenities, public transport links and places of work. It would therefore intrinsically accord with the principles of sustainable transport and the promotion of a 50/50 modal split, as promoted by Policy KP8, as occupiers would not be reliant upon the private car as a mode of transport. The creation of bicycle parking spaces for occupiers of dwellings is considered an essential element in promoting sustainability and achieving the modal split.

The Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a C4 HMO would be required to provide 1 under cover and secure cycle parking space per bedroom. Details have been submitted which indicate that the proposed development would be provided with the

required ratio of cycle parking of 1 space per bedroom which are to be provided within a covered shelter situated within the rear garden. These details are considered acceptable and condition 3 has been imposed to ensure such facilities are provided and retained.

In respect of car parking the Managing Transport Impacts (Incorporating Parking Standards) (2018) SPG identifies that a C4 HMO in this location should have a maximum of one off street car parking space to be policy compliant. The application identifies that one car parking space will be provided within the rear garden which is considered acceptable and in accordance with the aims and objectives of both the LDP and SPG.

It is also noted that concern has been raised with respect to future residents parking either on the bus stop directly to the side of the property on Fairways Crescent or close to the junction of Bwlch Road and Fairways Crescent causing a danger to other road users. Whilst this concern is noted it is beyond the remit of planning to control where users of the highway park their vehicles. In addition to this Rule 243 of The Highway Code indicates that you should not park at or near a bus or tram stop or taxi rank or opposite or within 10 metres (32 feet) of a junction. If such an offense occurs then this should be reported to either the police or to the Council's Civil Parking Section.

- 8.8 **Amenity Space** – Criterion i) of Policy H5 of the LDP advises that planning permission will be granted where “*The property is of a size whereby the ...external amenity space of the resulting property would ensure an adequate standard of residential amenity for future occupiers.*” This is further reinforced by the HMO SPG which advises that amenity space is important in retaining a quality of life for people living within the dwelling. Paragraph 6.3.2 of the SPG states “*The City of Cardiff Council has typically used the figure of 25m<sup>2</sup> as the minimum expected external useable amenity space for C3 dwellings, i.e. for those dwellings up to 6 persons. This level should also apply to C4 properties. Each additional person would be expected to have 2.5m<sup>2</sup>. As such, for example, the minimum expected for a 7 bed HMO would be 27.5m<sup>2</sup> of external amenity space. Each additional person should result in a corresponding increase of 2.5m<sup>2</sup>. Useable amenity space is considered to be at least 1.4m wide, enabling storage and access.*”

In respect of amenity space as the application seeks permission for to change the use of the property to a C4 HMO then 25 square metres will be required. Having undertaken an assessment of the property a private rear amenity space of approximately 60 square metres will be available for occupiers to use (in addition to provision for bin, cycle storage facilities and the car parking space). As the minimum amenity space requirement as specified in the HMO SPG is 25 square metres the proposal is therefore considered acceptable when considered against the HMO SPG.

- 8.9 **Alterations to Extension** – during the processing of this application the issue of the extension was raised as it has not been completed as per the previously approved plans. The deviances have now been incorporated into this planning application. The deviances relate to the omission of a window

in the side elevation, the substitution of a door and window in the rear elevation with a pair of sliding doors and the reconfiguration of the ground floor layout. These deviances do not raise any issues of concern for the Council and could have been undertaken using Permitted Development rights once the extension was completed. They are therefore considered acceptable.

It was also raised that the extension may have encroached on to the neighbouring land. The applicant has confirmed the builder left the external skin of the flat roof extension that was already constructed in-situ to avoid any disruption to the neighbour with regards to access to their property in order to construct the new outer skin of the cavity wall or to cause further disruption to them by excavating new trenches for new foundations. The owner has also confirmed that the extension has a closed eaves detail with no overhanging fascia or overhanging rain water goods and all rainwater will be disposed of within the application site.

8.10 **Alterations to means of enclosure** – It is not considered that the alterations to the means of enclosure by the addition of a timber fence results in a poor design or impacts upon the street scene and is considered acceptable.

8.11 **Housing Enforcement Comments** – These are noted however the facilities required to be provided do not come under planning legislation and would be a matter for Housing Enforcement if a license is required. In this respect Recommendation 2 has been attached to bring this to the applicant's attention.

8.11 In respect of the objections which are not covered above the following should be noted:

- High turnover of tenants and uncertainty over the type of tenants who will reside at the property is not a material planning consideration;
- Potential noise and anti-social behaviour from future occupiers would be a matter for either the Police or the Noise Pollution Section of Shared Regulatory Services;
- The future occupants personal circumstances and the close proximity of a school is not something that can be covered under planning legislation;
- The current application seeks permission to convert the property into a 6 bedroom C4 HMO. If more than 6 occupants reside at the property this would fall into a different use class and would therefore require a further planning application;
- Issues with refuse storage and the associated management of it would be a matter for Waste Management to deal with if such issues arise;
- It is not considered that the proposal will result in any loss of privacy as a result of users of the rear garden and the status quo of the rear garden remains unchanged;
- Impact on property prices is not a planning matter;

- The concerns with respect to the exploitation of vulnerable people who will be housed there is not something that can be covered under planning legislation;
- The properties opposite on Bwlch Road are approximately 31m away when measured window to window and it is not considered that by having additional bedrooms on the ground floor would lead to any privacy issues. It should also be noted that there are presently 2 bedrooms on the first floor of the application site facing the properties opposite and this has not previously raised any concerns with respect to privacy.
- Health and Safety issues and overcrowding are not a matter that would be covered under planning legislation but the Health and Safety Executive and the Licensing Section of Shared Regulatory Services;
- Lack of en-suite facilities for occupants – this is not a planning matter;
- Potential fire alarm issues with 6 people using the kitchen – this is not a planning matter;
- Work had already started on the conversion. This has been noted but is not a reason to refuse to grant planning permission;
- Noise insulation measures would be covered under Building Regulations or if a statutory noise nuisance is witnessed the Pollution Control Section of Shared Regulatory Services can take action;
- Issues as to whether the property will be managed/warden controlled 24/7 is not a planning matter;
- Potential issues due to the current Covid-19 pandemic is not something that can be covered under planning legislation.

## 9. **CONCLUSION**

- 9.1 The Council is mindful of the current climate with respect to the amount of HMO's within the City and that there are concerns that a proliferation of such uses can undermine the character of an area to the detriment of local residents. In respect of this application the proposal complies with both local and national planning policy and the SPG on HMO's.

## 10. **OTHER CONSIDERATIONS**

- 10.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision. South Wales Police have also confirmed they do not object to the proposal.
- 10.2 Equality Act 2010 – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the

proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

- 10.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## 11. **RECOMMENDATION**

- 11.1 Having taken all of the relevant factors into consideration there are no grounds to justify a refusal of this application and it is therefore recommended that planning permission be granted, subject to conditions.





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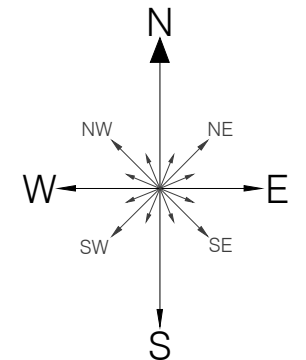
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**PROPOSED BLOCK PLAN**  
1:500 @ A3

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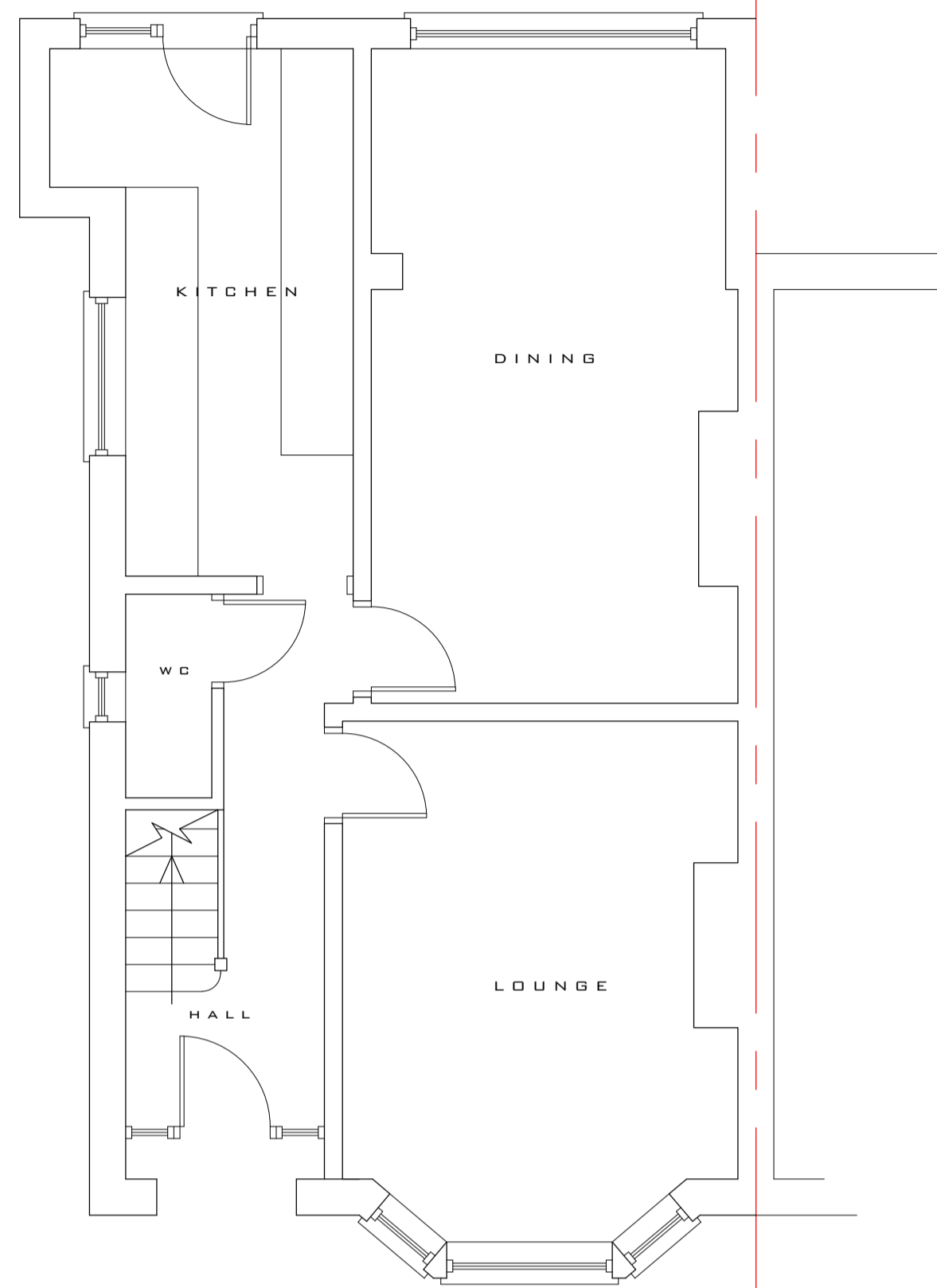
CLIENT: Mr J LEAHY  
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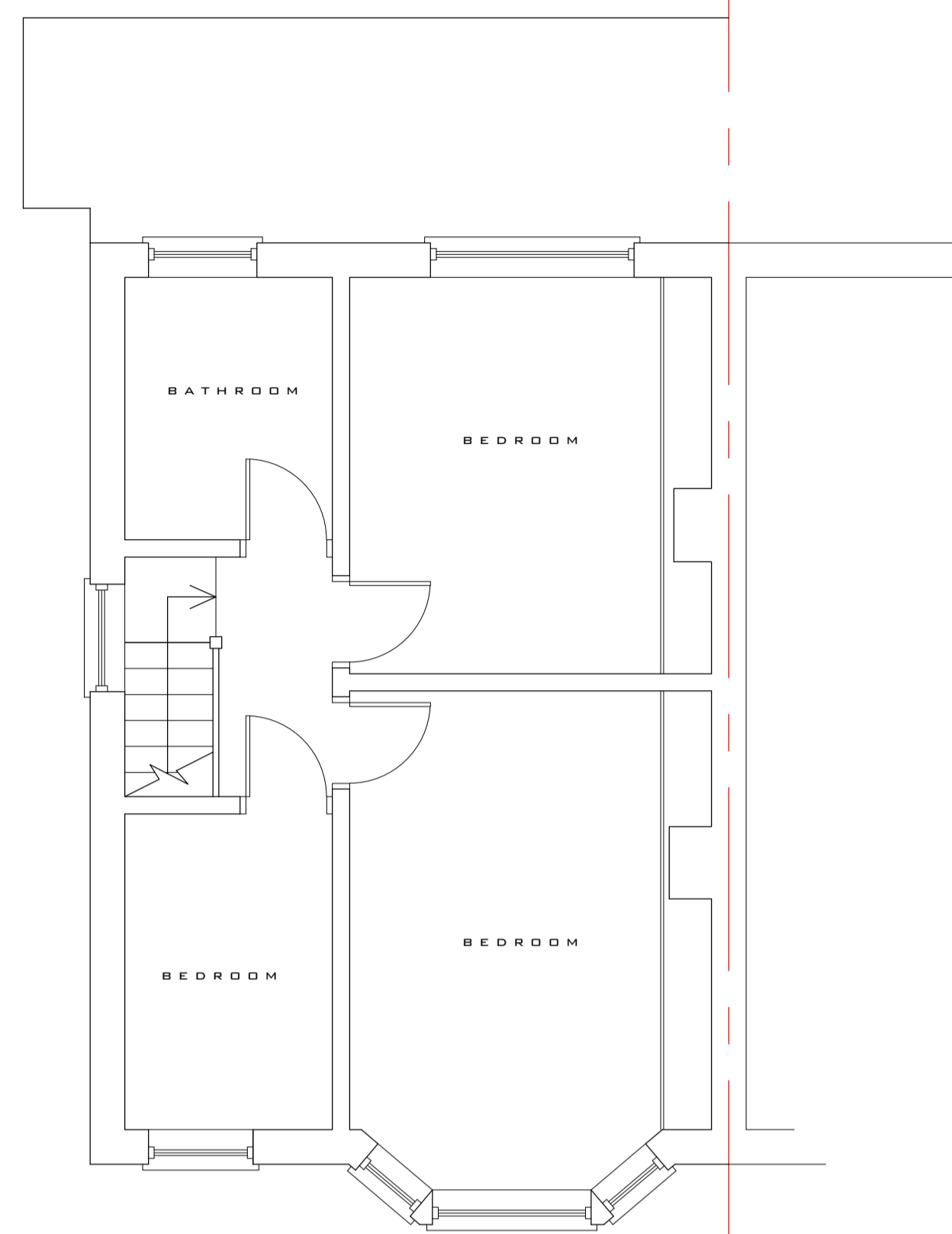
SITE: 184 BWLCH ROAD, FAIRWATER  
PROPOSED CHANGE OF USE

TITLE: SITE LOCATION PLAN &  
PROPOSED BLOCK PLAN

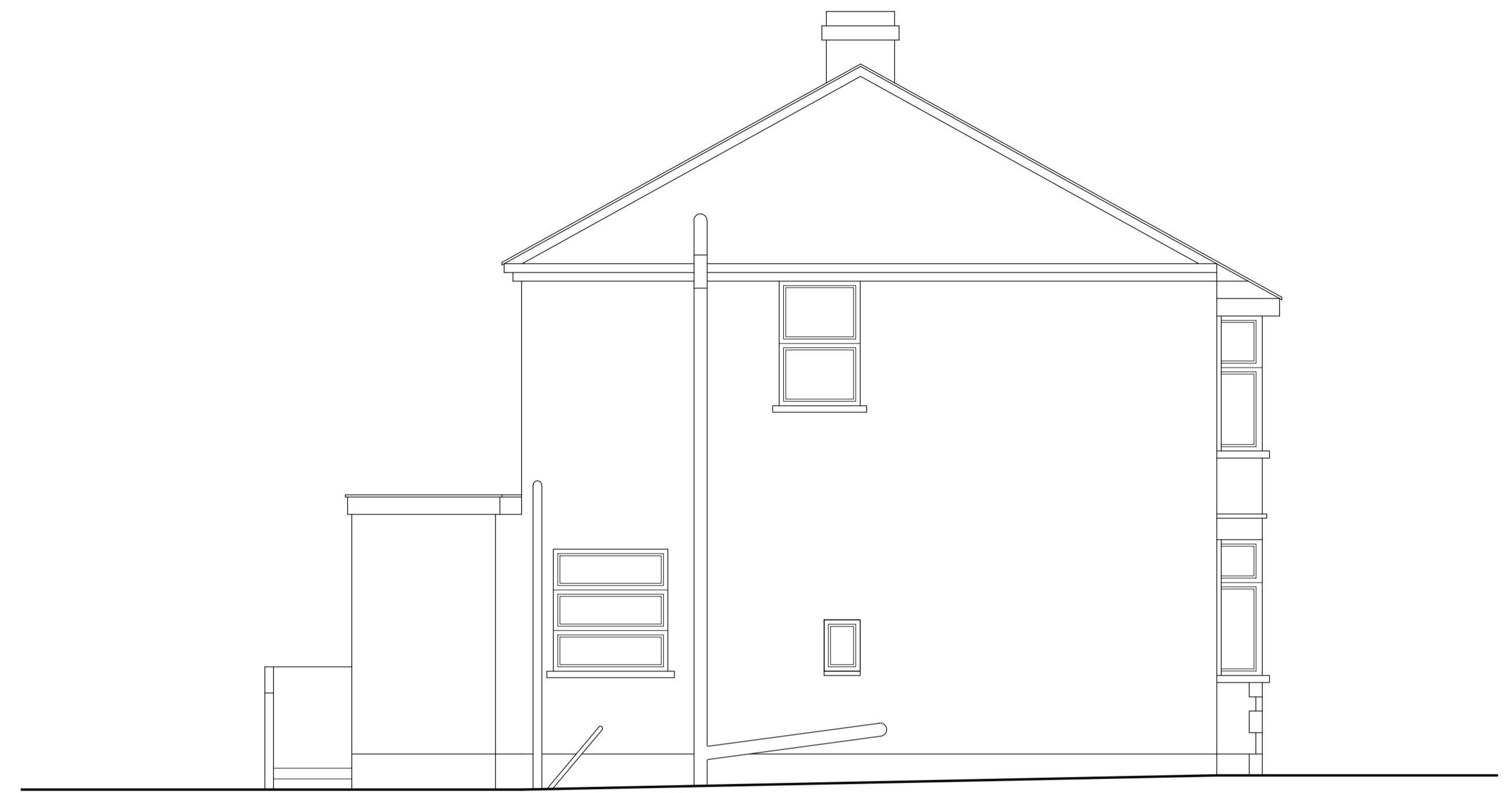
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| PROJECT NO:<br>19_0254       | DRAWING NO:<br>OS01 | REVISION:<br>* |                 |



EXISTING GROUND  
FLOOR PLAN  
1:50



EXISTING FIRST  
FLOOR PLAN  
1:50



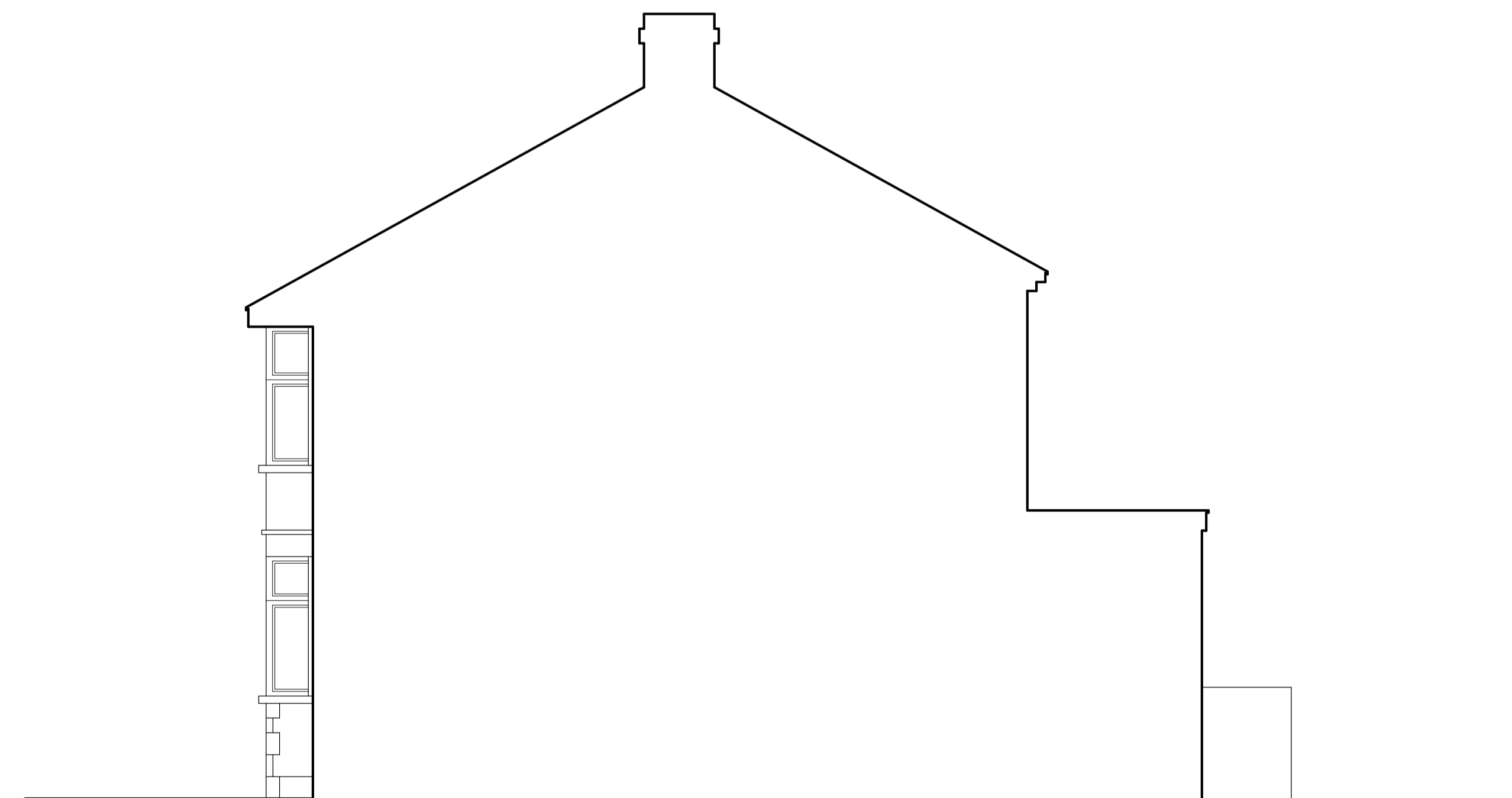
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1:50



EXISTING FRONT ELEVATION  
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EXISTING REAR ELEVATION  
1:50

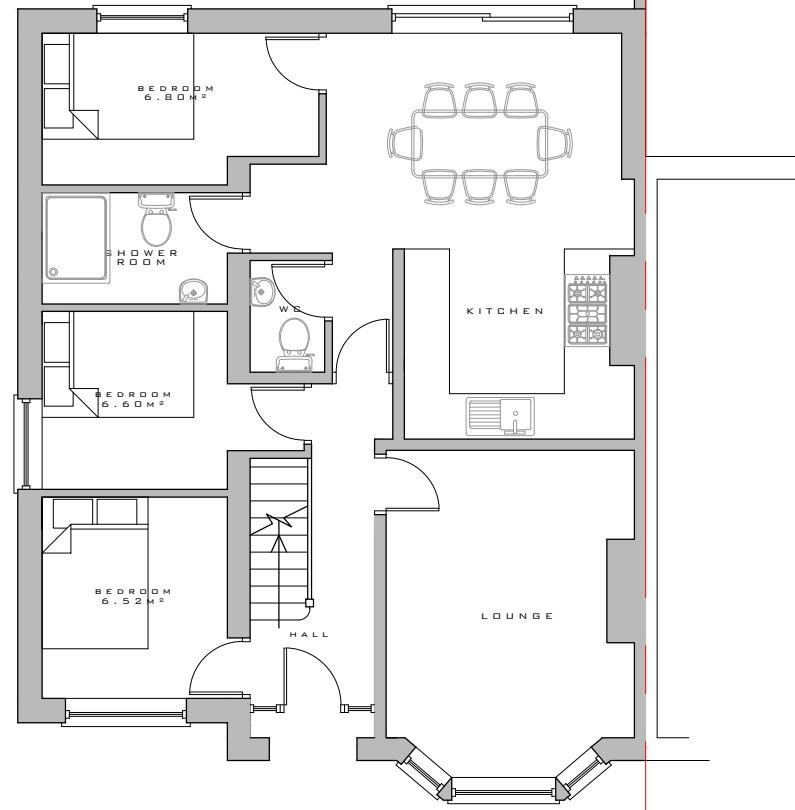


EXISTING SIDE ELEVATION  
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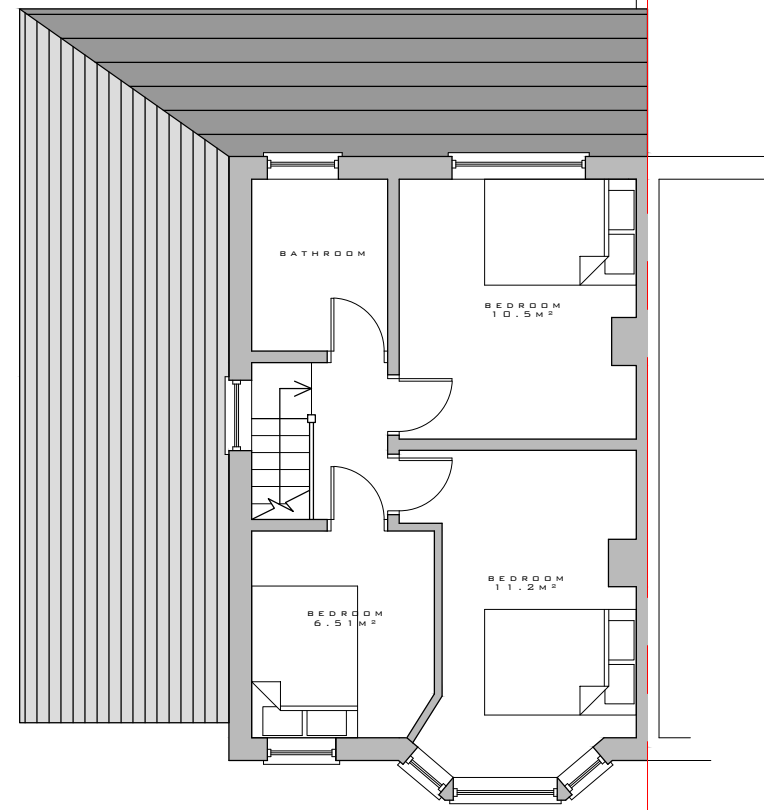
PLANNING  
SUBMISSION

|            |  |  |                   |                     |              |            |       |       |
|------------|--|--|-------------------|---------------------|--------------|------------|-------|-------|
| MR M LEAHY | PROPOSED REAR AND<br>SIDE EXTENSION<br>184 BWLCH ROAD, FAIRWATER | Drawing Title:<br>EXISTING FLOOR PLANS<br>AND ELEVATIONS | Scale: 1:50 @ A1  | Drawing No: PL - 01 | Drawn: CMB   | Revisions: |       |       |
| 19_0254    |  |  | Date: AUGUST 2019 | Revision: A         | Checked: CMB | Rev:       | Date: | Note: |





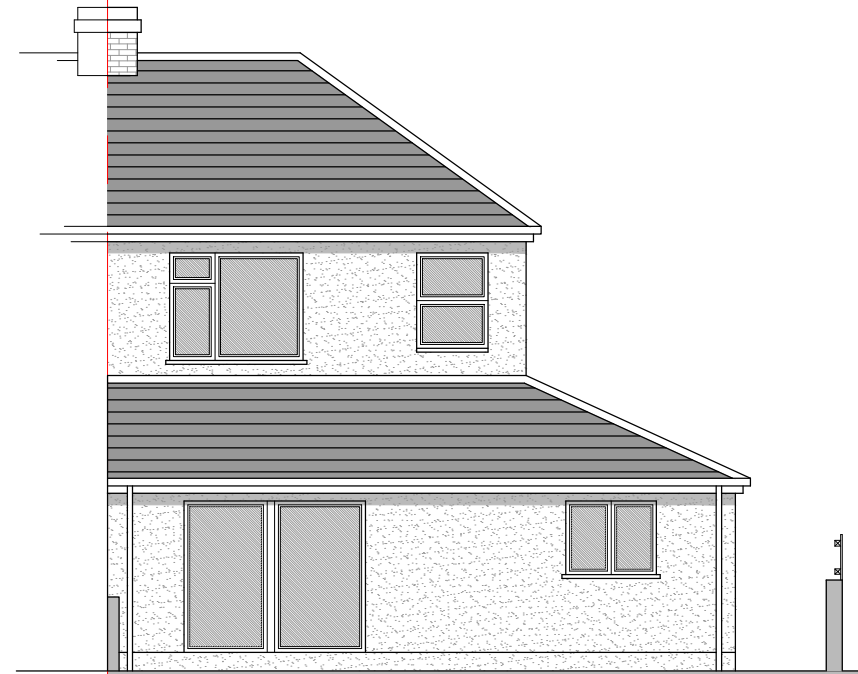
PROPOSED GROUND FLOOR PLAN  
1:100



PROPOSED FIRST FLOOR PLAN  
1:100



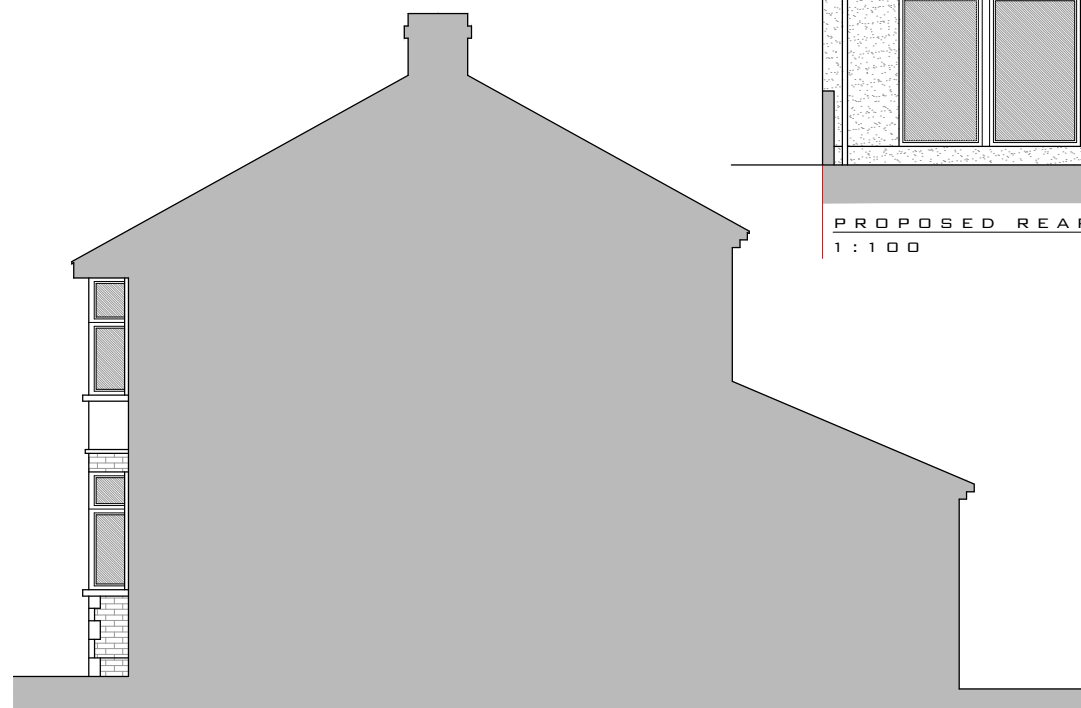
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1:100



PROPOSED REAR ELEVATION  
1:100



PROPOSED SIDE ELEVATION  
1:100



PROPOSED SIDE ELEVATION  
1:100

Notes:

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| REV: | DESCRIPTION:                                       | BY: | DATE:    |
|------|--|-----|----------|
| C    | SCALE ANNOTATION AMENDED. RWP PIPES ADDED          | CMB | 12/01/21 |
| B    | DRAWINGS UPDATED TO SUIT AS BUILT DETAILS ON SITE. | CMB | 18/12/20 |
| A    | ROOM SIZES UPDATED TO MEET HMO REQUIREMENTS        | CMB | 15/11/20 |

STATUS: **PLANNING SUBMISSION**



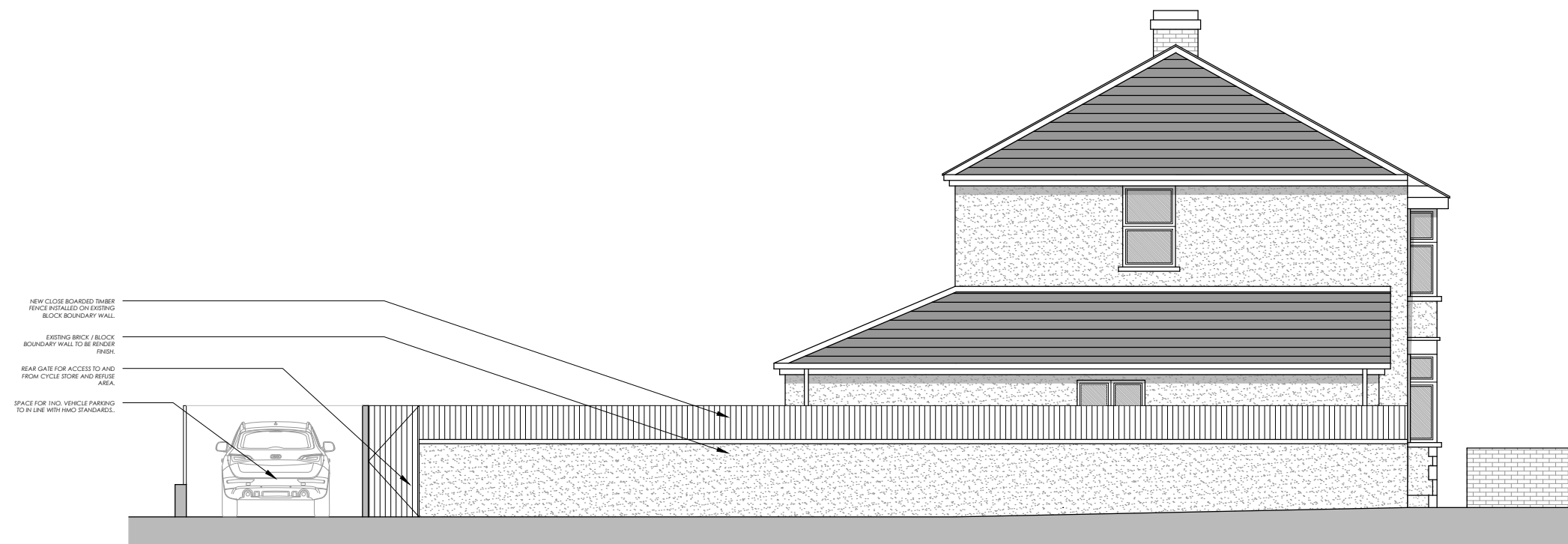
CLIENT: Mr J LEAHY  
184 BWLCH ROAD  
FAIRWATER, CARDIFF  
CF5 3EF

AGENT: CMB DESIGN & MANAGEMENT LTD  
carl@cmb-designandmanagement.com  
<https://cmb-designandmanagement.com/>  
07512 520 833

|   |                     |                |                 |
|---|---------------------|----------------|-----------------|
| SITE: 184 BWLCH ROAD, FAIRWATER<br>PROPOSED CHANGE OF USE |                     |                |                 |
| TITLE: PROPOSED FLOOR PLANS<br>AND ELEVATIONS             |                     |                |                 |
| SCALE AT A3:<br>1:100                                     | DATE:<br>SEP 20'    | DRAWN:<br>CMB  | CHECKED:<br>CMB |
| PROJECT NO:<br>19_0254                                    | DRAWING NO:<br>PL02 | REVISION:<br>C |                 |

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PROPOSED STREET ELEVATION  
1 : 1 0 0

|                             |              |     |          |
|-----------------------------|--------------|-----|----------|
| A                           | RWP ADDED    | CMB | 12/01/21 |
| REV:                        | DESCRIPTION: | BY: | DATE:    |
| STATUS: PLANNING SUBMISSION |              |     |          |



CLIENT: Mr J LEAHY  
184 BWLCH ROAD  
FAIRWATER, CARDIFF  
CF5 3EF

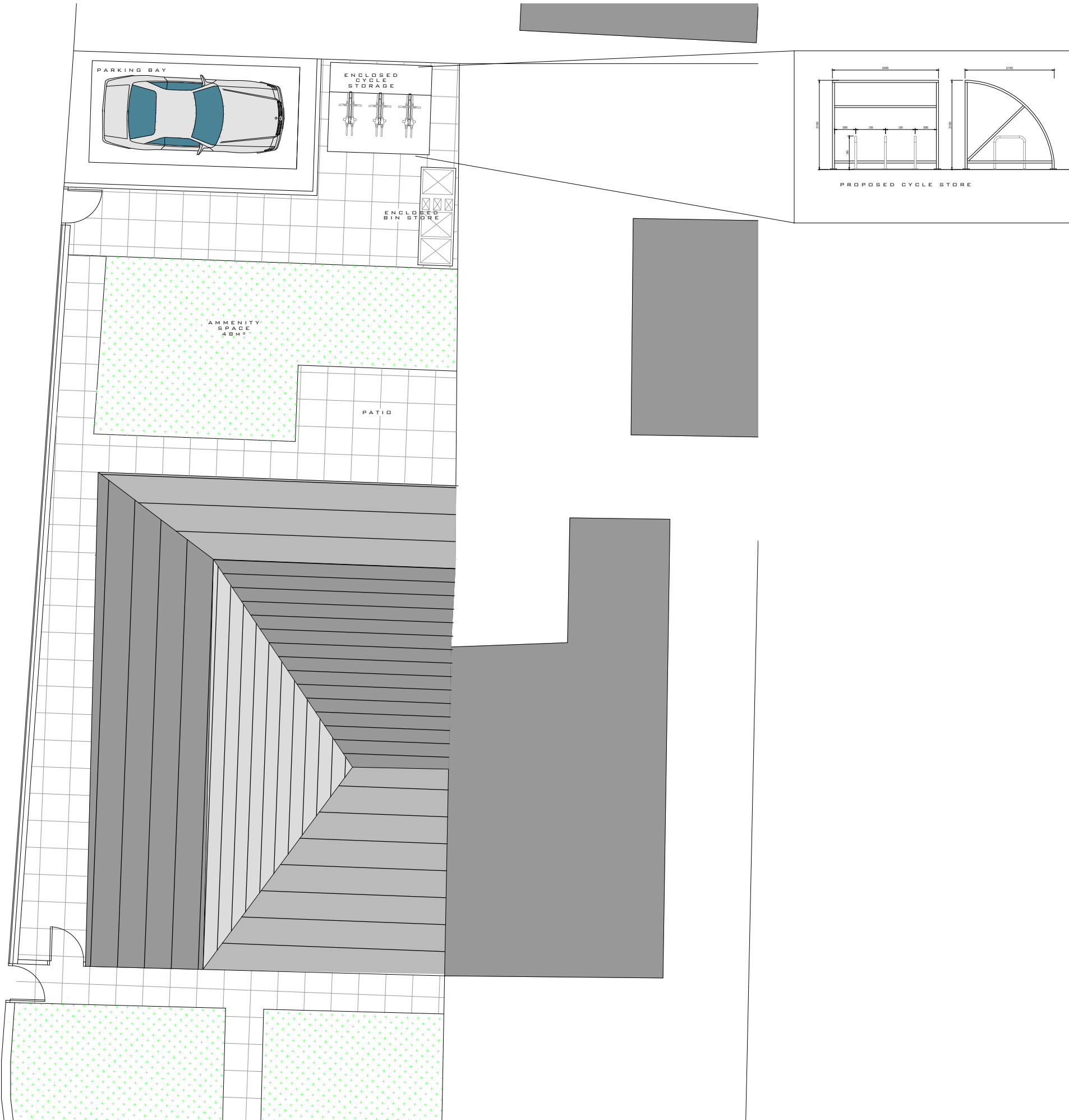
AGENT: CMB DESIGN & MANAGEMENT LTD  
carl@cmb-designandmanagement.com  
<https://cmb-designandmanagement.com/>  
07512 520 833

SITE: 184 BWLCH ROAD, FAIRWATER  
PROPOSED CHANGE OF USE

TITLE: PROPOSED STREET ELEVATION  
BOUNDARY TREATMENTS

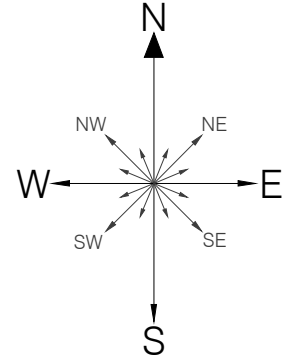
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| PROJECT NO:<br>19_0254       | DRAWING NO:<br>PL04 | REVISION:<br>A |                 |

# CRESCCENT



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|                             |                     |     |          |
|-----------------------------|---------------------|-----|----------|
| A                           | CYCLE STORE UPDATED | CMB | 12/01/21 |
| REV:                        | DESCRIPTION:        | BY: | DATE:    |
| STATUS: PLANNING SUBMISSION |                     |     |          |



CLIENT: Mr J LEAHY  
184 BWLCH ROAD  
FAIRWATER, CARDIFF  
CF5 3EF

AGENT: CMB DESIGN & MANAGEMENT LTD  
carl@cmb-designandmanagement.com  
<https://cmb-designandmanagement.com/>  
07512 520 833

SITE: 184 BWLCH ROAD, FAIRWATER  
PROPOSED CHANGE OF USE

TITLE: PROPOSED SITE PLAN - PARKING  
CYCLE AND WASTE

|                              |                     |                |                 |
|------------------------------|---------------------|----------------|-----------------|
| SCALE AT A3:<br>AS INDICATED | DATE:<br>NOV 20'    | DRAWN:<br>CMB  | CHECKED:<br>CMB |
| PROJECT NO:<br>19_0254       | DRAWING NO:<br>PL03 | REVISION:<br>A |                 |

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

## LOCAL MEMBER APPLICATION

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/02241/DCH** APPLICATION DATE: 12/11/2020

ED: **CYNCOED**

APP: TYPE: Householder Planning Permission

APPLICANT: BABLIN MOLIK

LOCATION: 410 CYNCOED ROAD, CYNCOED, CARDIFF, CF23 6SB

PROPOSAL: REAR AND SIDE EXTENSION WITH SIDE DORMERS AND ROOF-LIGHTS

**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
  - CVD2/1 – SITE LOCATION PLAN PLUS PHOTOS
  - CVD2/3 - GROUND FLOOR PLAN
  - CVD2/4A – PROPOSED FIRST FLOOR PLAN
  - CVD2/6A – REAR AND SIDE ELEVATIONS PROPOSED
  - CVD 2/7 – FRONT AND SIDE ELEVATIONS PROPOSED

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. The first floor north facing windows in the newly created dormer roof extension shall be non-opening and glazed with obscure glass, below a height of 1.7m when measured from internal floor level, and thereafter retained in perpetuity.

Reason : In the interests of privacy.

**RECOMMENDATION 2:** that the applicant be advised that the permission hereby granted does not extend the alteration of the existing vehicle crossover or creation of a new vehicle crossover.

### 1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission to extend a dormer bungalow with a side and rear extension. The works will also see an alteration to the loft accommodation and creation of a new side facing dormer window, to its northern elevation.

- 1.2 The extension, measuring the full width of the property and projecting approx. 4.5m from the rear elevation will result in the creation of a gabled rear elevation at first floor level that will incorporate a floor to ceiling window and a Juliet balcony. The newly created dormer window on the northern roof plane will allow for the creation of a bedroom and bathroom at first floor. A further bedroom will be created in the extended gabled roof. At ground floor the side extension (southern elevation) will link the house to the existing detached garage positioned to the rear of the property, which will be converted into a family annex.
- 1.3 The creation of a new vehicle crossover to the front garden allowing for an in-out arrangement has been removed from the proposal.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site comprises a single-storey detached bungalow located within the Ward of Cyncoed. The application property is located on Cyncoed Road, to the north of the Rhyd y Penau Road junction. The site has parking at the front and to the side and a single garage to the rear. There is a large private garden area behind the house.
- 2.2 The surrounding area comprises a variety of house types. The adjacent property immediately to the south is a dormer bungalow. Immediately to the north is two-storey semi-detached dwelling with a flat roof.

## 3. **SITE HISTORY**

- 3.1 No planning history found for this site.

## 4. **POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

### 4.2 **Relevant National Planning Guidance:**

Planning Policy Wales (Edition 10, 2018)  
Planning Policy Wales TAN 12: Design

### 4.3 **Relevant Cardiff Local Development Plan Policies:**

Policy KP5 : Good Quality and Sustainable Design

### 4.5 **Relevant Supplementary Planning Guidance:**

Residential Extensions & Alterations (June 2015)



## 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 The Operational Manager, Transportation had no objections to the proposed development.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 None

## 7. **REPRESENTATIONS**

- 7.1 Neighbours have been notified and no representations were received.

## 8. **ANALYSIS**

- 8.1 The key issues for consideration with this application are the effect of the proposal upon character and appearance of the area and the living conditions of neighbours.

- 8.2 In assessing the impact of the proposed development, the proposal should be considered against Policy KP5 of the Cardiff Local Development Plan, which states that:

*'all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:*

- i. Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural environment are all addressed within development proposal; and*
- x. Ensuring no undue effect on the amenity of neighbouring occupiers.*

- 8.3 Advice on residential extensions is contained in the Council's Supplementary Planning Guidance (SPG) on Residential Extensions and Alterations (2017). This guidance notes that all alterations and additions to a property should relate well to the character and context of the surrounding area and should be sympathetic in terms of scale, positioning, detailing and materials to ensure that the development results in a balanced appearance and fits comfortably into the wider street scene, particularly if the neighbourhood has a very strong style or character.

- 8.4 The SPG notes that extensions should not be overbearing or result in an unacceptable loss of daylight or sunlight to neighbouring properties.

- 8.5 The SPG records that rear extensions have the potential to impact on the daylight and outlook of neighbours. At paragraph 7.2 of the SPG, it notes that such extensions should be subordinate to the original dwelling; should avoid blocking natural light and outlook to habitable rooms in neighbouring properties; should avoid reducing garden space to an unreasonable small size; and consider the impact on trees within or adjacent to the site.

- 8.6 Paragraph 7.77 of the SPG notes that the design of new dormer windows should be considered carefully, as they can have a significant impact on the character and appearance of a house and its surrounding area. Dormer windows should:
- Relate well to the dwelling on which they are positioned/located.
  - Relate well to the context of the street or immediate surroundings.
  - Be avoided on the front elevation of a dwelling, unless they are a local feature.
  - Be appropriately scaled in order that they appear subservient to the existing roof.
  - Be set up from the external wall, down from the ridge and in from either side by an appropriate distance.
  - Be finished in materials which reflect or complement the main dwelling.
  - Respect any symmetry evident within the existing dwelling.
  - Positioned to minimise impact upon neighbouring amenity
- 8.7 The proposed extension is considered to be acceptable in regards to its scale and design and will not prejudice the general character of the area. The design is similar to that of the adjacent property in terms of scale, massing, appearance and design and would be in keeping with the urban grain and visual appearance of the surrounding street scene.
- 8.8 The scale of the development and its relationship with neighbouring properties is considered suitable. Apart from a slight increase in the length of the existing garage on the boundary, the extension will be appropriately set-off common boundaries. It is considered that the proposal would not be overbearing or generally, unneighbourly which would justify concern for the Local Planning Authority.
- 8.9 The proposed dormer window on the north facing roof plane will include two windows, one window is to a bathroom, the other a bedroom. The windows will directly overlook the flank wall and roof of a single storey rear extension of the neighbouring semi-detached house. The flank wall contains a single window at each of the ground floor and first floor levels. The area beside the house is used for car parking. In this position, the proposed dormer should have minimal impact upon neighbouring amenity and should not adversely affect the privacy of adjoining residents subject to the introduction of obscure glazing.
- 8.10 The property will retain a suitable private amenity space at the rear of the site. The development will not impact on trees on or adjoining the site.
- 8.11 In terms of the impact on the visual amenity of the area, it is not considered that there would be any adverse harm to the street scene or character of the area.
- 8.12 The application site can successfully accommodate the proposed changes while maintaining the existing character of the property. The development is considered to be an appropriate alteration to the existing house in terms of

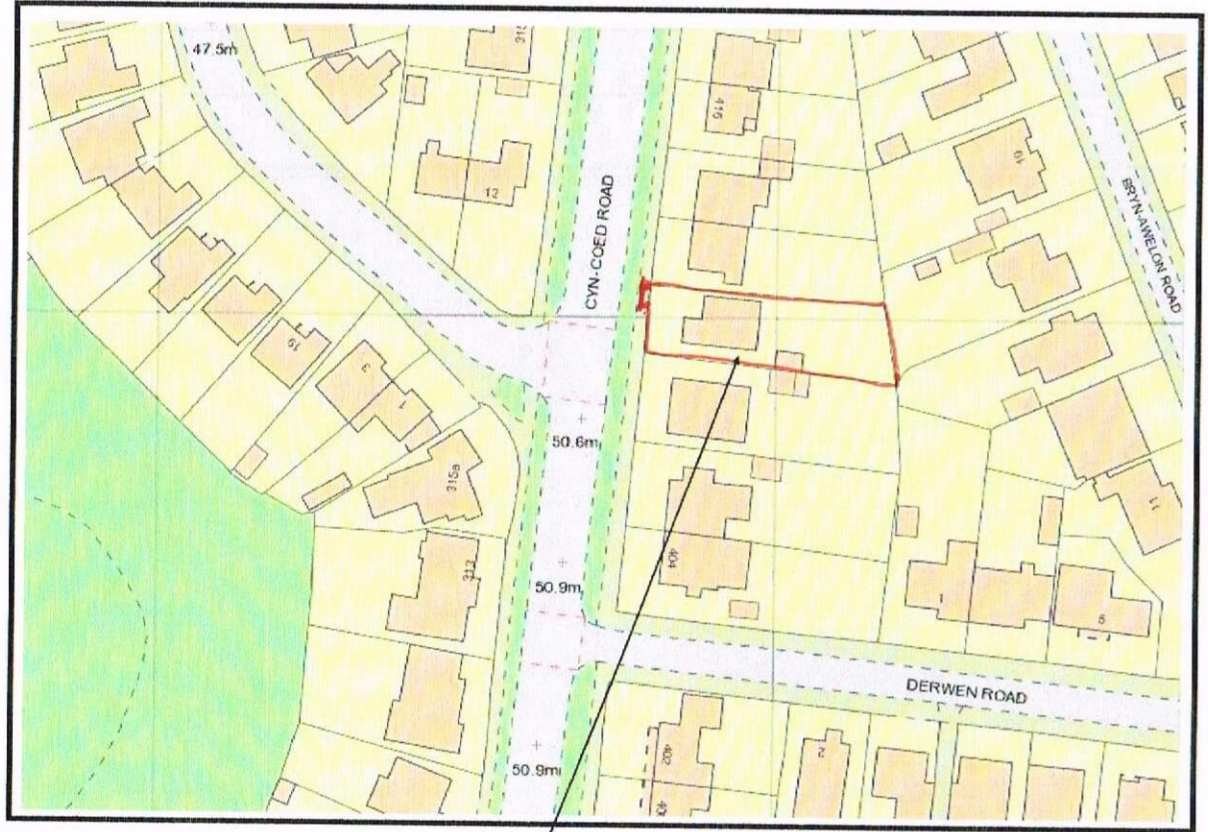
scale, form and finish and will form a sympathetic alteration.

## 9. **OTHER CONSIDERATIONS**

- 9.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 Equality Act 2010 – The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.3 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

## 10. **RECOMMENDATION**

- 10.1 Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

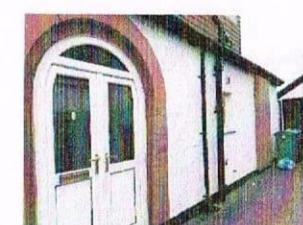
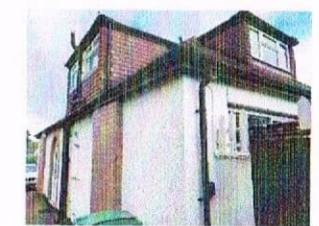


SITE LOCATION PLAN 1:1250

THE SITE



**PHOTOS—EXISTING**



**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2035 0365  
 dtbdesignservices@gmail.com



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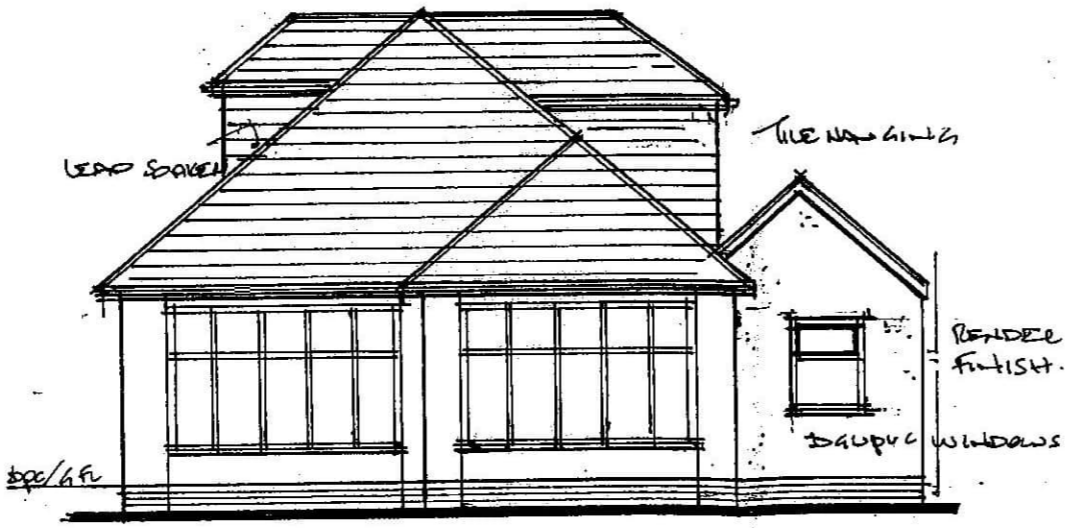
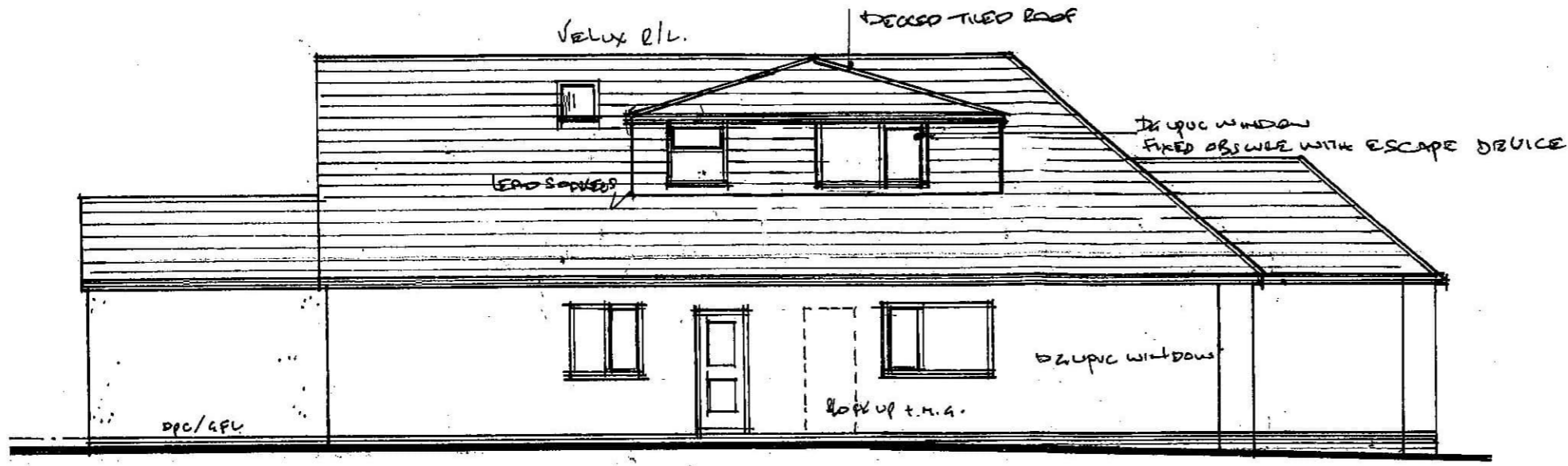
**DTB DESIGN Architectural & Property Development Consultants**

**DESCRIPTION**


**DEVELOPMENT AT**  
 410 CYNCOED ROAD  
 CARDIFF

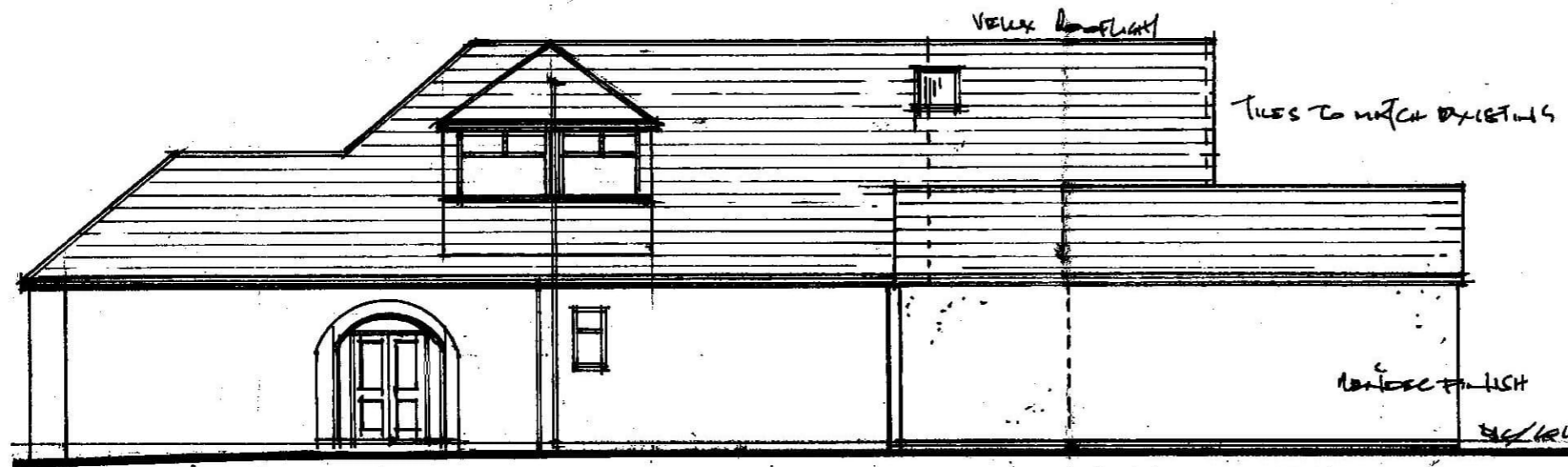
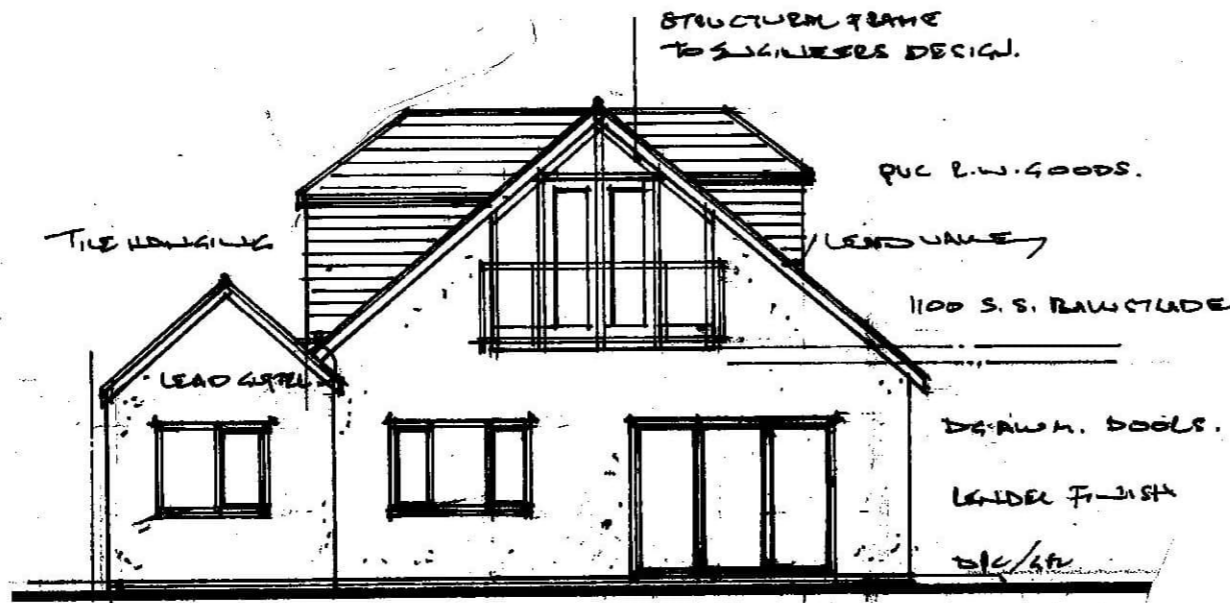
OCT 2020

CVD2/1



FRONT & SIDE ELEVATIONS PROPOSED 1:100 at A3

|  |                    |   |
|--|--------------------|---|
| <b>DTB DESIGN</b><br>TEMPLE COURT 13a CATHEDRAL ROAD<br>CARDIFF CF11 9HA<br>TEL 029 2035 0365<br>dtbdesignservices@gmail.com |                    |  |
| REVISIONS  |                    |   |
| 1. (1/2) JAE DAWE SOLID  |                    |   |
| DTB DESIGN Architectural & Property Development Consultants  |                    |   |
| DESCRIPTION  |                    |   |
| DEVELOPMENT AT<br>410 CYNCOED ROAD<br>CARDIFF  |                    |   |
| OCT 2020   | PLAN NO. CVD2/6 /a |   |



REAR & SIDE ELEVATIONS PROPOSED 1:100 at A3

|  |                |  |
|--|----------------|--|
| <b>DTB DESIGN</b><br>TEMPLE COURT 13a CATHEDRAL ROAD<br>CARDIFF CF11 9HA<br>TEL 029 2035 0365<br>dtbdesignservices@gmail.com |                |  |
|  |                |  |
| REVISIONS  |                |  |
|  |                |  |
| <b>DTB DESIGN Architectural &amp; Property Development Consultants</b>   |                |  |
| DESCRIPTION  |                |  |
| DEVELOPMENT AT<br><br>410 CYNCOED ROAD<br>CARDIFF  |                |  |
| OCT 2020   | PLAN NO. CVD27 |  |

**MEMBER AS INTERESTED PARTY**

COMMITTEE DATE: 27/01/2021

APPLICATION No. **20/02372/DCH** APPLICATION DATE: 17/11/2020ED: **LLANDAFF NORTH**

APP: TYPE: Householder Planning Permission

APPLICANT: Mr Ali

LOCATION: 64 COLLEGE ROAD, LLANDAFF NORTH, CARDIFF, CF14 2JZ

PROPOSAL: SINGLE STOREY SIDE EXTENSION INCORPORATING PORCH

RECOMMENDATION: That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans:
  - Existing and Proposed Elevations. Project 5259. Drwg 02. Amnd B
  - Existing and Proposed Plans. Project 5259. Drwg 01. Amnd A

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows, roof windows or dormer roof extensions shall be inserted or built within the extension hereby approved other than those windows illustrated on the submitted plans.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

Reason: To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

## **1. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks planning permission for a side extension to a two storey semi-detached residential property. The extension would incorporate a front projecting porch feature and is illustrated to be finished in materials to match the existing dwelling house. The extension would have an irregular floor plan and would taper in line with the side boundary of the property.

## **2. SITE DESCRITPION**

- 2.1 The property is a semi-detached dwellinghouse located in the Llandaff North area of Cardiff. The property is attached to No. 66 College Road located to its north and is bounded by No. 62 College Road located to its south west. The plot is roughly triangular in shape and is located opposite the Llandaff North/Gabalfa Hub/Hwb Centre.

## **3. RELEVANT SITE HISTORY**

016/01346/W : VEHICLE CROSSOVER AND DRIVEWAY: 27/07/2016 :  
PERMISSION GRANTED

## **4. POLICY FRAMEWORK**

- 4.1 The site lies within a residential area as defined by the proposals map of the Cardiff Local Development Plan 2016.

4.2 Relevant National Planning Guidance:

Planning Policy Wales: Edition 10 (2018)  
Planning Policy Wales TAN 12: Design  
Development Management Manual

4.3 Relevant Cardiff Local Development Plan Policies:

Policy KP5: Good Quality and Sustainable Design

4.4 Relevant Supplementary Planning Guidance:

Residential Extensions & Alterations (2017)

## **5. INTERNAL CONSULTEE RESPONSES**

- 5.1 None

## **6. EXTERNAL CONSULTEE RESPONSES**

- 6.1 None



## 7. **REPRESENTATIONS**

- 7.1 Neighbouring occupiers have been consulted. No objections have been received.

## 8. **ANALYSIS**

- 8.1 The key issues for consideration are the effect of the extension upon the character of the area and its impact on the amenity of neighbouring occupiers.

- 8.2 **Policy Considerations** - Policy KP5 (*Good Quality and Sustainable Design*) of the Local Development Plan (2016) and the Residential Extensions and Alterations Supplementary Guidance (2017) are relevant to the consideration of the proposal.

Policy KP5 of the Cardiff Local Development Plan includes the following:

*All new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by:*

*i. Responding to the local character and context of the built and landscape setting so that layout, scale, form, massing, height, density, colour, materials, detailing and impact on the built and natural heritage are all addressed within development proposals;*

*x. Ensuring no undue effect on the amenity of neighbouring occupiers and connecting positively to surrounding communities*

- 8.3 The proposed extension is considered acceptable in regards to its scale and design and will not prejudice the general character of the area. The property features a relatively large front garden and the main house is set back from the highway. Although the extension would feature a front porch and project a small distance forward of the existing dwelling house, the main mass of the extension projects to the side of the existing dwelling house. It is noted that an extension exists of a similar design in the immediately vicinity on the corner of Bala Road. The extension is illustrated to be finished in materials that match the existing dwelling house and a condition can be applied to ensure that an appropriate finish is implemented.

- 8.4 The scale of the extension and its relationship with the existing dwelling and that of neighbouring properties is considered acceptable. The extension would be single storey and feature a pitched roof with an irregular roof form resulting from the irregular floor plan. The extension would be located adjacent the boundary of No. 62 College Road, however, it would be located to the side of the property opposite the side elevation which features a door and a window that appears to serve a stairs/lobby area. The application site is located to the north of No. 62 and therefore the development shouldn't result in any significant overshadowing. It is considered that the proposal would not be overbearing or generally un-neighbourly which would justify concern for the

Local Planning Authority.

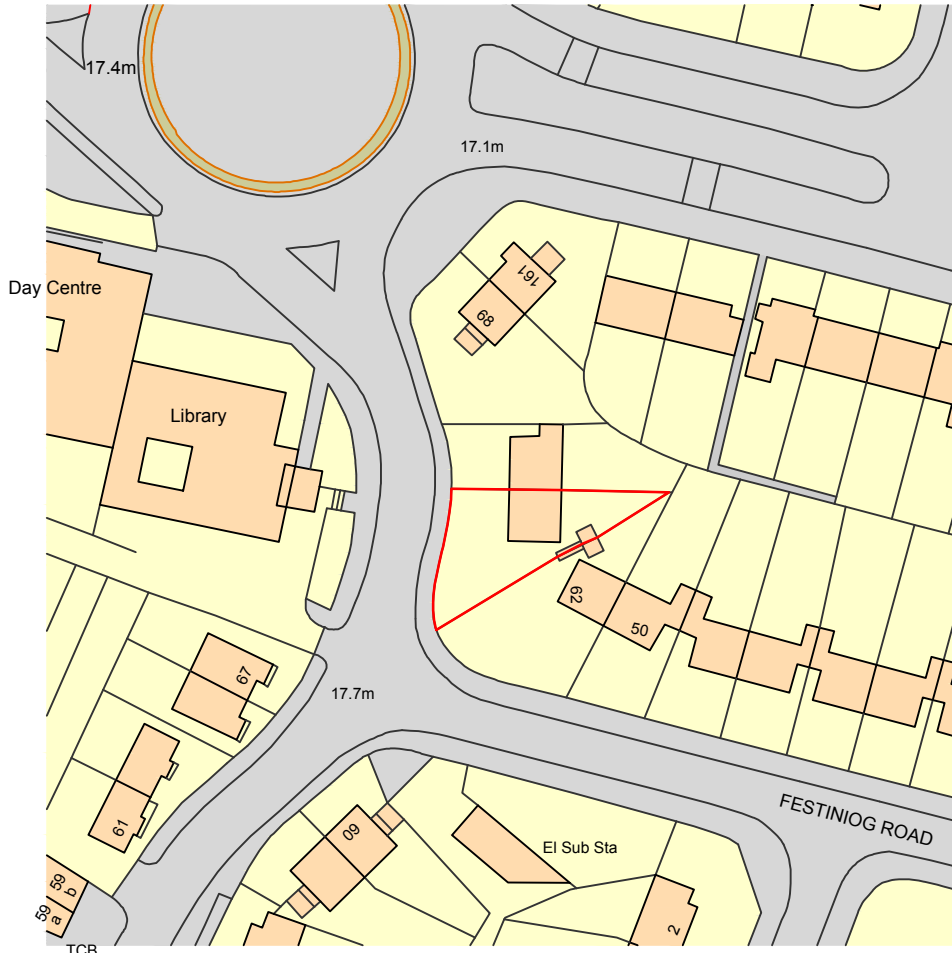
- 8.5 Subject to conditions it is not considered that the proposal would prejudice the privacy of neighbours. As the extension is located within close proximity to the neighbouring boundary of No. 62 and at an angle, it is considered expedient to apply a condition which would prevent the installation of additional windows, roof windows or roof alterations which may potentially have an impact on that property.
- 8.6 An acceptable level of garden space will be retained around the property to its front and to the rear for use for amenity and utility purposes.

9. **RECOMMENDATION**

- 9.1 Having taken all of the relevant factors into consideration it is concluded that the development is acceptable subject to conditions and it is therefore recommended that planning permission be granted.

10. **OTHER CONSIDERATIONS**

- 10.1 Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 10.2 Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.



TCB  
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Project:

64 College Road  
 Llandaff North  
 CF14 2JZ

Title:

Site Location Plan

**@rchitecture**

32 Castell Coch View  
 Tongwynlais Cardiff CF15 7LA  
 02920520800  
 design@architecture.co.uk

5259

Project

SL

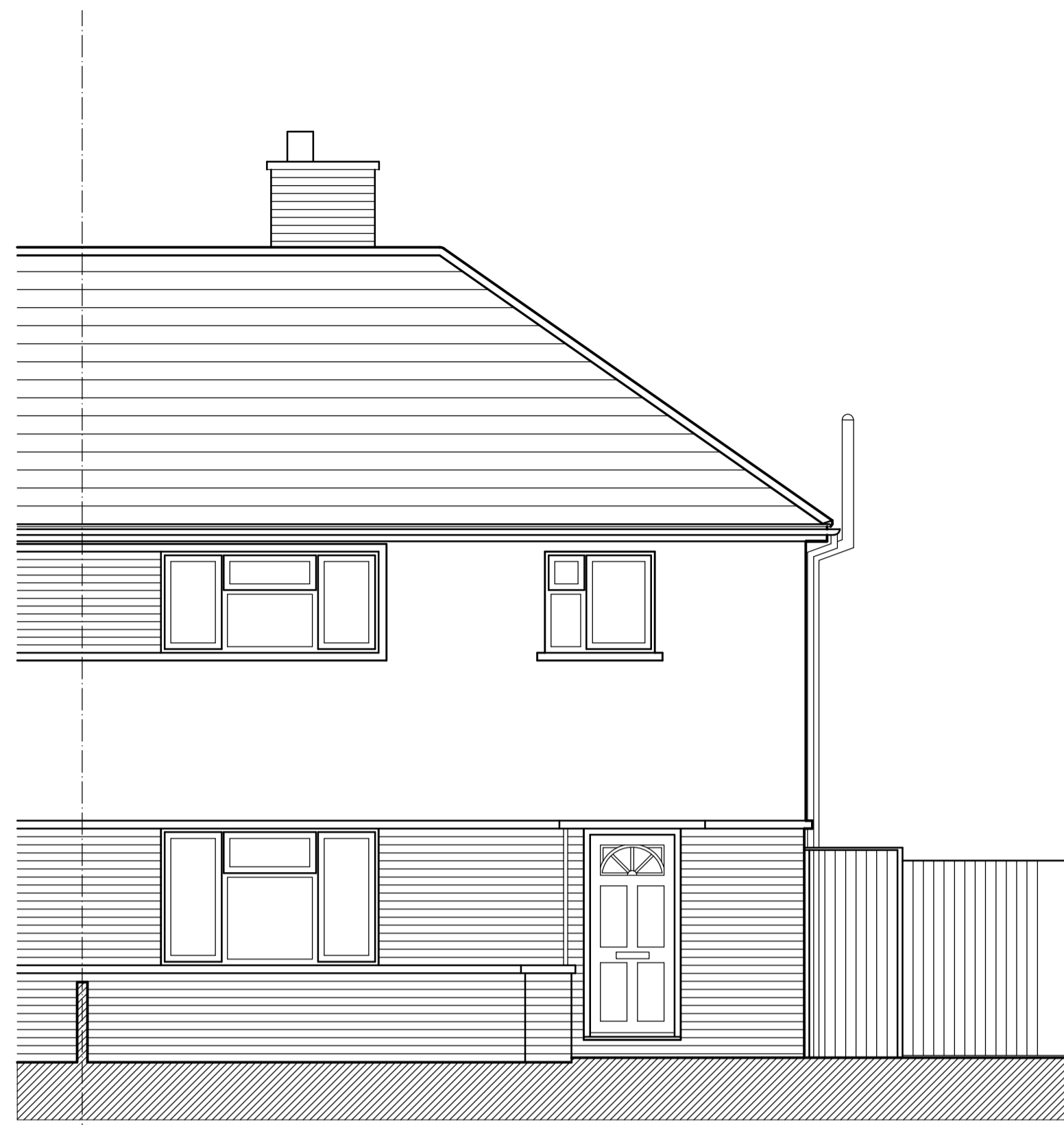
Drawing

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Amnd

MJP  
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 Date

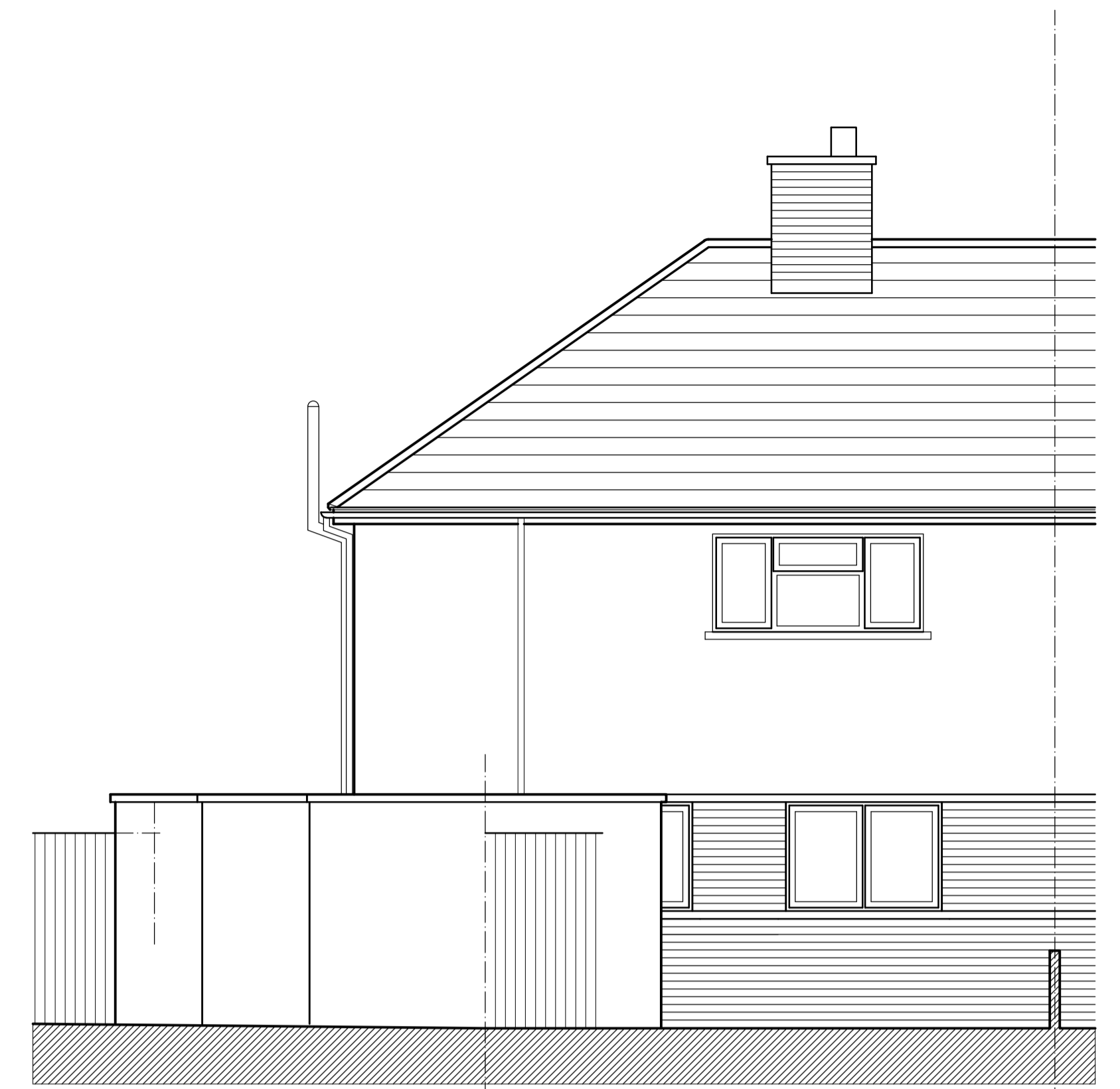
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 Scale



Existing Front Elevation



Existing Side Elevation

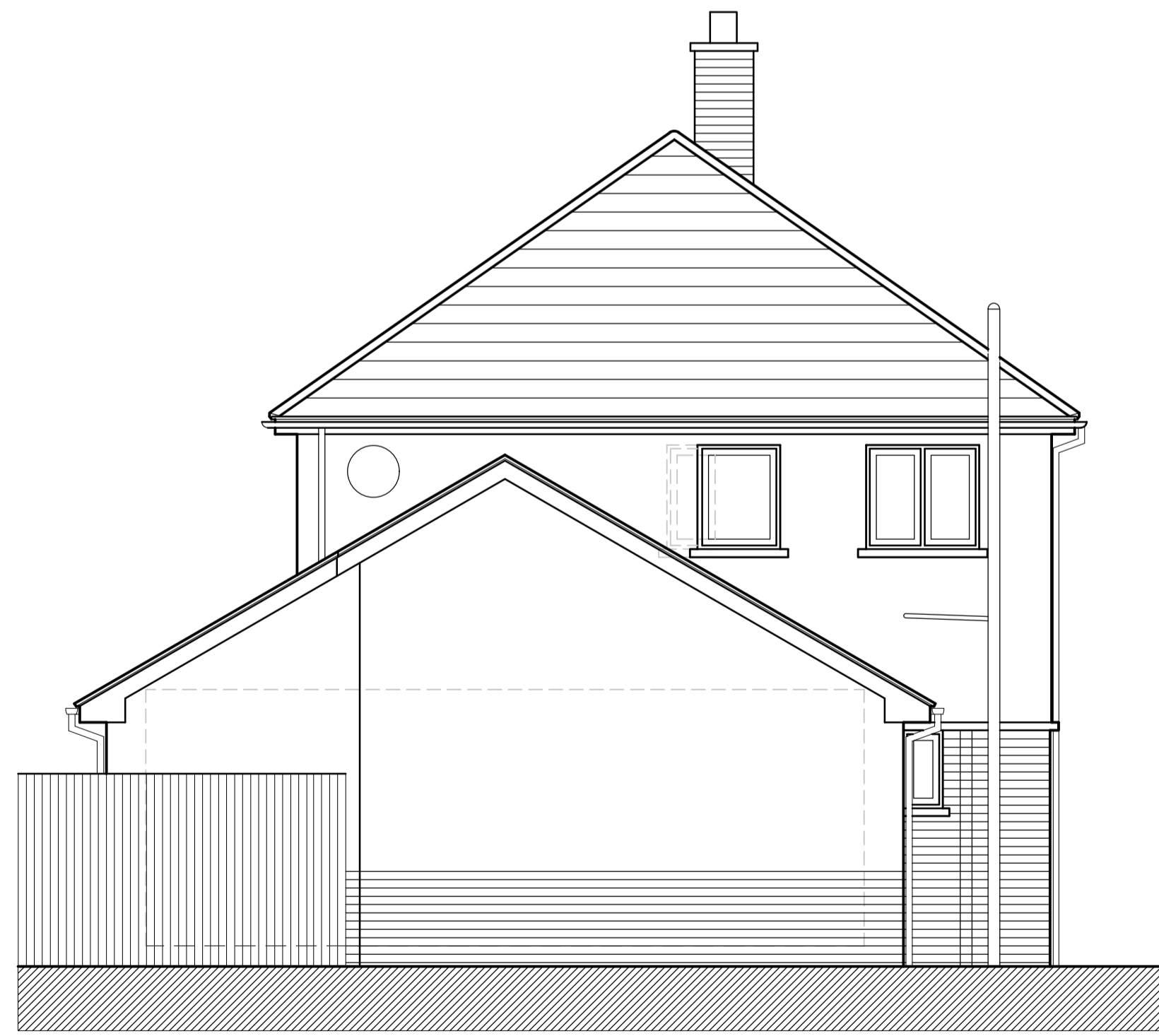


Existing Rear Elevation

Existing Elevations



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

Proposed Elevations

The architect shall be responsible for ensuring that the drawings are in accordance with the Building Regulations and that the drawings are in accordance with the Building Regulations and that the drawings are in accordance with the Building Regulations.

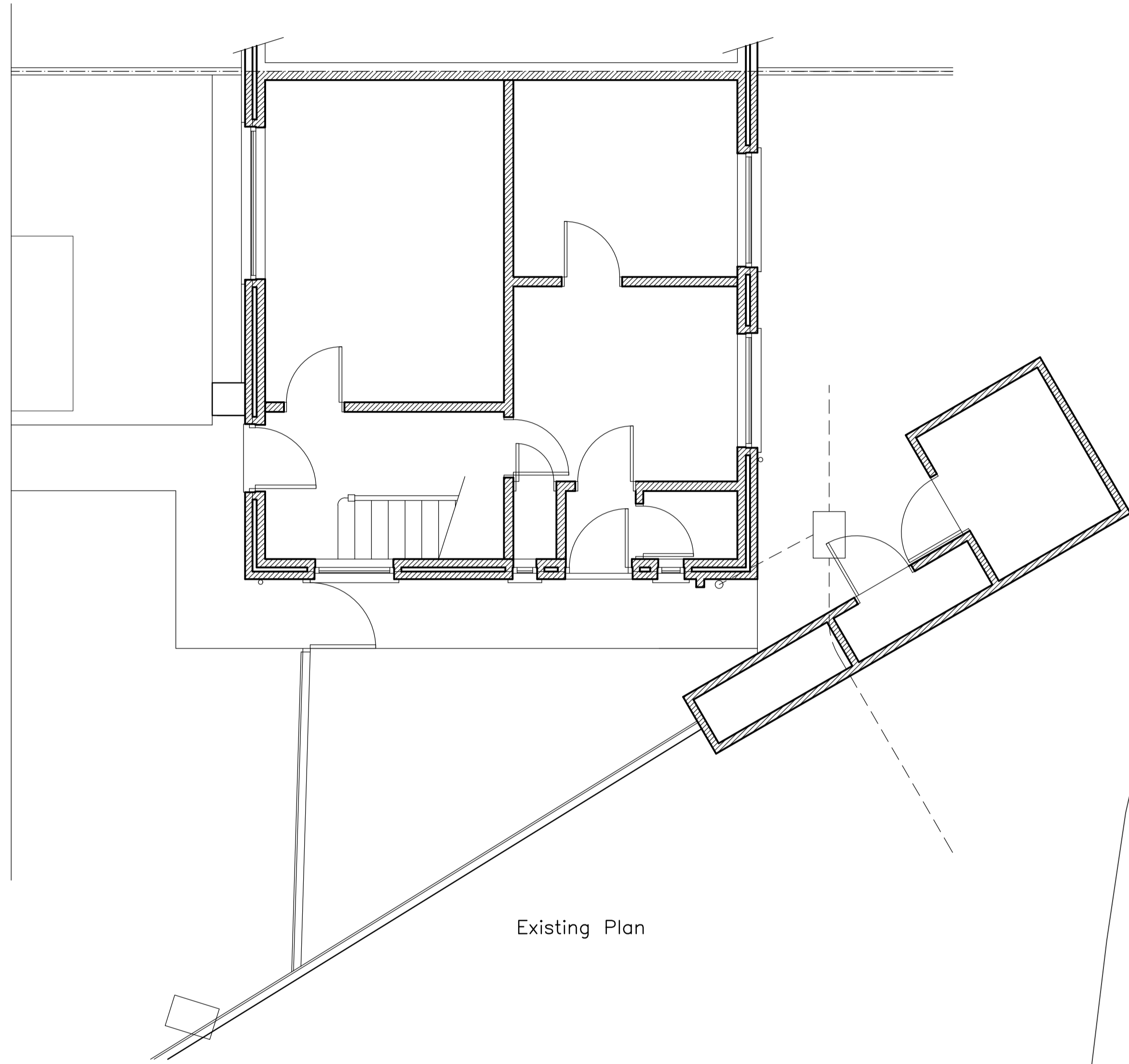
Rev: 01/20 Option 1 removed and existing elevations added  
 Date: 11/20  
 Revision: 01/20 Rear Elevation roof Option 1 corrected  
 Date: 10/20

Project  
 64 College Road

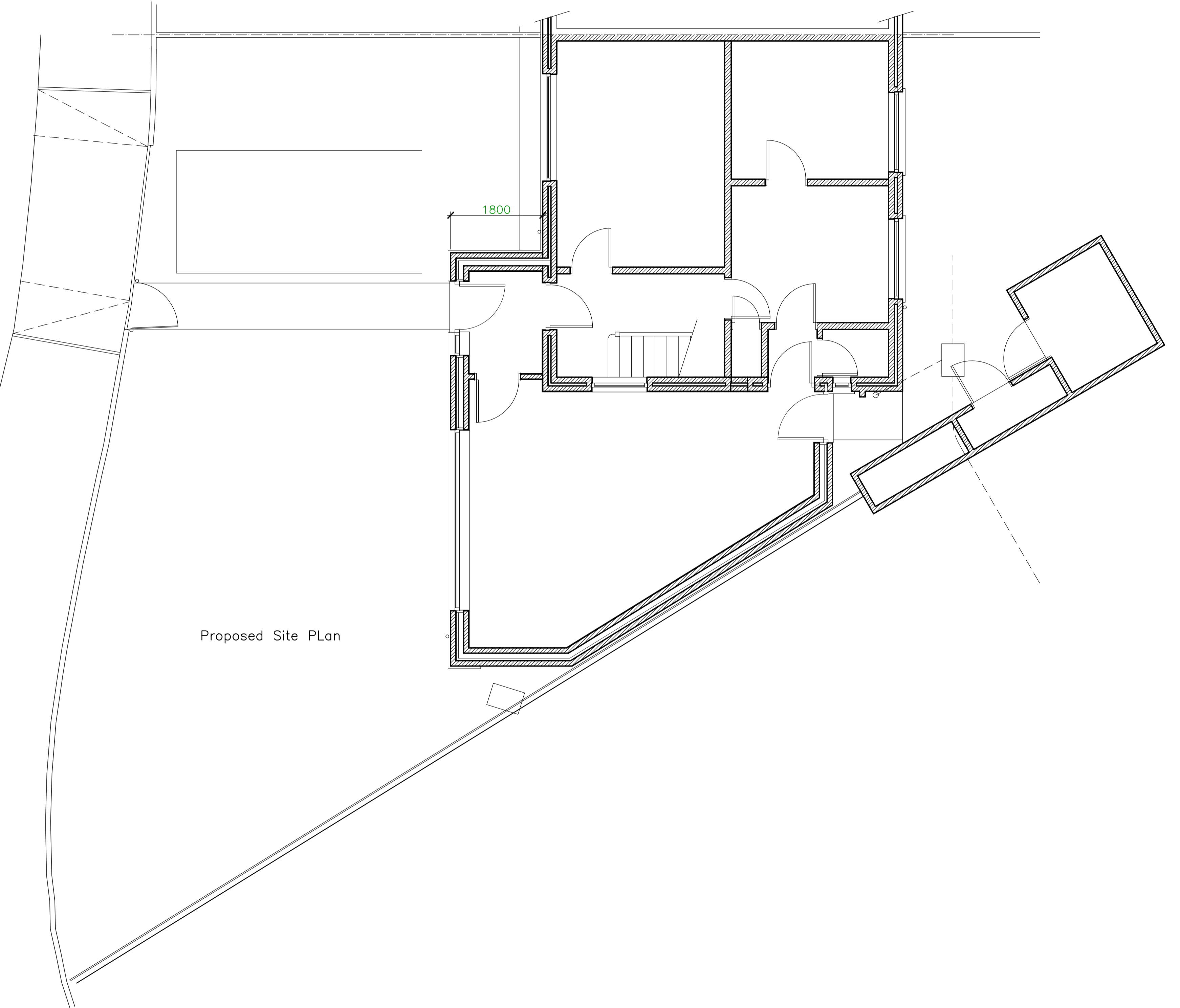
Title  
 Existing and Proposed Elevations

**@rchitecture**  
 32 Castell Coch View Tongwynlais  
 Cardiff CF15 7LA  
 02920520800  
 design@architecture.co.uk

Project: 5259 | Drawing: 02 | Amnd: b | W/P: 10/2020 | Drawn: [Signature] | Date: [Signature] | Scale: 1/50



Existing Plan



Proposed Site Plan

The architect of this drawing is to be used.  
 On site if a dimension is missing, ask  
 Architects to be notified of any  
 discrepancies at ground dimensions  
 This drawing is copyright.

Rev Date: Revision:  
 a 11/20 Existing elevations removed

Project  
 64 College Road

Title  
 Existing and Proposed Plans

**@rchitecture**  
 32 Castell Coch View Tongwynlais  
 Cardiff CF15 7LA  
 02920520800  
 design@architecture.co.uk

|         |      |         |    |       |   |       |     |      |         |       |      |
|---------|------|---------|----|-------|---|-------|-----|------|---------|-------|------|
| Project | 5259 | Drawing | 01 | Amend | a | Drawn | MJP | Date | 10/2020 | Scale | 1/50 |
|---------|------|---------|----|-------|---|-------|-----|------|---------|-------|------|

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadoli

**CYNGOR CAERDYDD  
CARDIFF COUNCIL**

**PLANNING COMMITTEE:**

**27 JANUARY 2021**

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**REPORT OF: DIRECTOR - PLANNING, TRANSPORT &  
ENVIRONMENT**

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**SECTION 53 MODIFICATION ORDER, WILDLIFE AND COUNTRYSIDE ACT  
1981 (Whitchurch Disused Railway Line)**

**Reason for this Report**

1. An application was submitted to the Public Rights of Way Team from the public to record historic usage along the disused railway line by walkers and dog walkers. Their right had been brought into question due to the planning application to construct the new bridge across the railway cutting to access the proposed Velindre Hospital site. The construction of this new access would require the temporary closure of the footpath to undertake works.
2. The historic user evidence proves the public have had unhindered access for over 20 years + to walk the footpath along the disused railway track. The landowner, Cardiff Council Parks Department has confirmed the public have had access and does not object. It is evident the path should be recorded on the Definitive Map as a Public Right of Way Footpath.

**Background**

3. The Planning Application 17/01735/MJR for the Velindre Cancer Centre was submitted to Cardiff Council in July 2017 and approved in March 2018.
4. The trigger for this Section 53 application, to claim the footpath, was the Planning Application 20/01110/MJR which was submitted June 2020. This was to undertake temporary construction of the access routes for the Velindre Cancer Centre. The works would be undertaken over the next

- four years and will require the closure of the disused railway track for a period of time.
5. This has triggered opposition locally and highlighted a number of footpaths that are currently well walked by residents and visitors to the area, which includes the disused railway track.
  6. As part of the initial consultation for the Section 53 application, PRow Officers undertake consultation with landowners and adjacent landowners. If the landowners object to the application, they must provide contrary evidence to prove they have taken steps to prevent the public from accessing the site/path. This may include the landowner putting up notices, fencing off the area to prevent public access, locked gates, etc.
  7. In this case the landowner is Cardiff Council Parks Department and Parks Officers have confirmed the track has been open and accessible for the public to use and enjoy. They have no intentions of preventing public access to this footpath.
  8. Historically, the disused railway land was sold by British Railways Board to Cardiff Council in 1973. The Conveyance of Land Purchase does not include any restrictions regarding public access (Reference: Background Papers, Conveyance of Land Purchase).

## Issues

9. Senior Officers for Transportation have raised concerns that if this footpath is recorded as a PRow it may cause an issue as the land needs to be safeguarded for the proposed metro link as noted in [Policy T9 of the Adopted Local Development Plan 2006-2026](#), Cardiff City Region Metro Network
10. Currently the metro route is aspirational and does not affect the validity of this S53 Application which, in order to be successful, merely needs to prove that the disused railway line has historical usage by the public as a footpath.
11. To address these concerns, in the future if planning consent is granted for the metro to be constructed, a legal order to divert or stop up the public footpath would be required. Such an order would be processed under the appropriate legislation namely the Town and Country Planning Act 1990.
12. This occurs across all planning consented land that has a Public Right of Way which will be built upon. As part of the planning application process, PRow Officers are consulted and able to advise what is necessary to retain the public's right of access, improved diversions within green corridors or stopping up if no alternative is deemed necessary. Even



though the landowner receives planning consent to construct houses or new transport links, etc. they are still required to apply to the Council to stop up or divert the PRow path.

13. It should be noted that any future diversion or stopping up order that may be required to be made must comply with the procedure set out in the legislation. This process involves at statutory consultation exercise, with associated rights of objection. If objections are received to the order, then the order must be submitted to the Welsh Government for confirmation. The Welsh Government may then hold a public inquiry and it should be noted that the potential exists that the orders may be confirmed as made, but could be confirmed with modifications or not confirmed at all. The stopping up or diversion applications must be determined before the construction of the development is substantially completed.

### **Local Member consultation**

There are no formal objections at this stage, only raised concerns over the future aspiration of the Metro to utilise this track, as addressed in the Issues section of this report. Below lists the ward members, statutory consultees and Council Officers consulted:

#### Local Members & Community Councils

- Cllr Mike Jones-Pritchard
- Cllr Linda Morgan
- Cllr Mike Phillips
- Cllr Mia Rees
- Tongwynlais Community Council

#### Landowners

- Parks Services
- Cardiff and Vale UHB-Capital Estates & Facilities
- Mr Mark Farrar, Planning Application Agent for Velindre Hospital

#### Associations/Organisations

- Ramblers
- Auto Cycle Union
- British Horse Society
- Byways and Bridleways Trust
- Open Spaces Society
- Cycling UK
- Welsh Trail Riders Association

## Utilities

- Welsh Water
- Virgin Media
- Wales and West Utilities
- Western Power
- BT Openreach

## Internal Council Teams/Officers

- Giles Parks (Head of Property, Estates)
- Jason Dixon (OM Transport Development & Network Management)
- Matt Wakelam (Assistant Director Street Scene)
- Andrew Gregory (Director Planning Transport & Environment)
- Paul Carter (Head of Transport)
- Jon Maidment (OM Parks Sport & Harbour Authority)
- Justin Jones, Planning Officer
- Transportation and Highways Officers

## **Reason for Recommendations**

The Section 53 Application is based on historic evidence rather than the desirability of a route therefore it has been proven the public have had unhindered use along the disused railway line for a minimum of 20 years. If Planning Committee approve the application, the Legal Order will be undertaken in order to confirm and record the footpath on the Definitive Map and Statement.

## **Financial Implications**

Formal advice not required.

## **Legal Implications (including Equality Impact Assessment where appropriate)**

An excerpt of the Legal Implications relating to s.53 of the Wildlife & Countryside Act 1981 are provided below. Full details are provided in the Officer Decision Report, section 8b. Equality Impact Assessment has not raised any issues as this is an administrative process to record existing usage by the public.

'Under s.53 of the Wildlife & Countryside Act 1981 (WCA) the Council has a statutory duty to prepare and maintain the definitive map as an official record of the public's rights of way in an area. The Council are responsible for keeping the definitive map up to date and must follow a legal process in order to make any changes to it. The WCA gives the right to any person to apply to the Council to make changes to the Definitive Map, by way of a Definitive Map Modification Order (DMMO).

There are two main ways that a right of way can be added to the Definitive Map:

- If the owner of the land has dedicated the right of way

- If the public have used a path for twenty or more years as a public right without interruption.

Section 53(3)(c)(i) (W&CA) provides that a modification order shall be made where evidence is discovered which (when considered with other relevant evidence available) shows that a right of way is alleged to subsist over land to which the map relates. If a right of way has been enjoyed by the public as a right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence to the contrary.

Therefore the question here to be determined by the Council when considering a modification order is whether the evidence shows that a highway exists because dedication has occurred at common law or is deemed by operation of section 31 of the Highways Act 1980. Once public rights are dedicated over a way, that way becomes a highway and exists in perpetuity unless stopped up or diverted by statutory order. The highway does not cease to exist because it is not used, hence the maxim 'once a highway, always a highway'.

In considering the evidence, the Council is acting as a tribunal of fact and must meet the following requirements.

The decision makers must objectively consider all the available relevant evidence, taking advice as to application of legal principles where necessary, and come to a conclusion, on balance of probability, on matters relating to the existence of a public rights of way in order to determine whether a modification of the Definitive Map and Statement is required.

Such matters may include whether a presumption of dedication is raised, whether such a presumption is negated, whether a right of way subsists, details relating to position and width, or to limits or conditions on a dedication.

The fact which has to be found is the existence of a highway and/or details relating to its dedication. The decision makers must disregard all views which are not relevant to this question. Such views may concern for example the effect or desirability of the right of way should it be found to exist.

As soon as practicable after specified events are found to have occurred, e.g. as set out in Section 53(3)(c)(i) (W&CA) specified above the Council needs to make a modification to the map and statement by formal orders in consequence of the occurrence of those events.

The procedure for making an order under section 53 of the Wildlife & Countryside Act 1981 is governed by Schedule 15 to that Act and involves the Council giving various notices in the prescribed form stating the general effect of the order. Notices must be served on every owner and occupier of land affected. If no representations or objections are duly made, or if any so made are withdrawn, the Council may confirm the order (but without any modification). Where any representation or objection which has been duly made is not withdrawn the matter is referred to the Planning Inspectorate who are an executive agency that reports to the Welsh Government. Before confirming the order the Planning Inspectorate may cause a local public inquiry to be held; or they may give any person by whom any representation or objection has been made an opportunity

of being heard by a person appointed by them. After considering the report of the person appointed to hold the inquiry or hearing, the Planning Inspectorate on behalf of the Welsh Government may confirm the order, with or without modifications. An order made under section 53 of the Wildlife & Countryside Act 1981 is not effective until it is confirmed.'

## **RECOMMENDATIONS**

It is recommended that the Planning Committee approves this application to modify the definitive map and statement and that the Director of Legal, Governance and Monitoring Officer be instructed to process the appropriate legal orders.

**ANDREW GREGORY**  
**DIRECTOR, TRANSPORT, PLANNING & ENVIRONMENT**  
**14 January 2021**

*The following appendices are attached:*

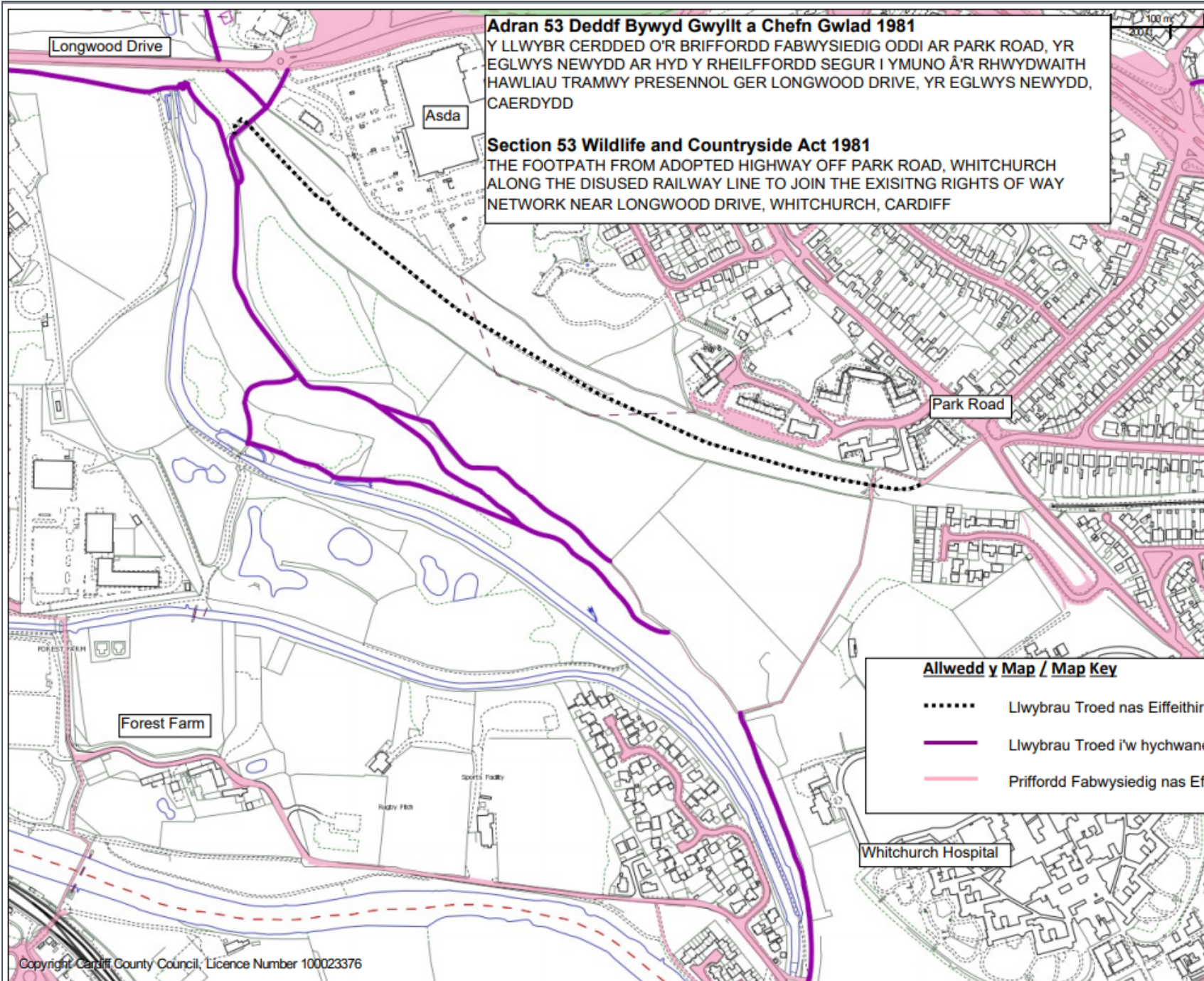
Appendix 1 - Location photos of the Disused Railway Path & Map

Appendix 2 – Officer Decision Report

Appendix 3 - User Evidence compiled data collected

*The following background papers have been taken into account*

- S53 Application
- User Evidence Forms
- Location Plan
- Conveyance of land purchase



**Adran 53 Deddf Bywyd Gwyllt a Chefn Gwlad 1981**  
 Y LLWYBR CERDDED O'R BRIFFORDD FABWYSIEDIG ODDI AR PARK ROAD, YR EGLWYS NEWYDD AR HYD Y RHEILFFORDD SEGUR I YMUNO Â'R RHWYDWAITH HAWLIAU TRAMWY PRESENNOL GER LONGWOOD DRIVE, YR EGLWYS NEWYDD, CAERDYDD

**Section 53 Wildlife and Countryside Act 1981**  
 THE FOOTPATH FROM ADOPTED HIGHWAY OFF PARK ROAD, WHITCHURCH ALONG THE DISUSED RAILWAY LINE TO JOIN THE EXISTING RIGHTS OF WAY NETWORK NEAR LONGWOOD DRIVE, WHITCHURCH, CARDIFF

**Cyngor Caerdydd**  
**Cardiff Council**



CHIEF EXECUTIVE

Neuadd y Sir, Glanfa'r Iwerydd CAERDYDD CF10 4UW  
 Tel: 029 20872088  
 County Hall, Atlantic Wharf CARDIFF CF10 4UW  
 Tel: 029 20872087

**Whitchurch Meadows Map**

Scale: 1:4000

Printed on: 5/8/2020 at 11:39 AM

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 County Council information NO further copies  
 may be made.  
**Ordnance Survey 100023376 (2014).**

**Allwedd y Map / Map Key**

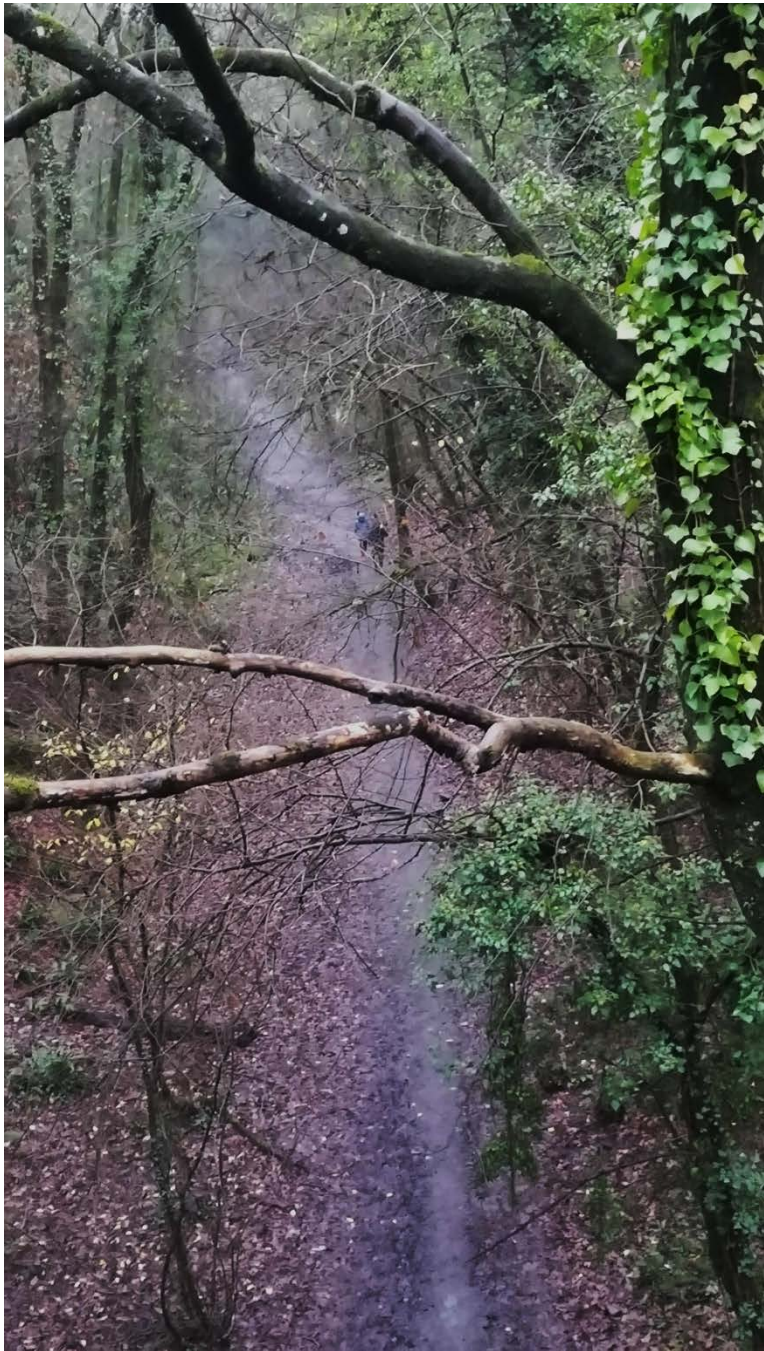
- ..... Llwybrau Troed nas Effeithir / Footpaths to be added
- Llwybrau Troed i'w hychwanegu / Unaffected Footpaths
- Priffordd Fabwysiedig nas Effeithir / Unaffected Adopted Highway



Path being claimed

Adopted Highway  
Footpath





View from railway bridge by Coryton Roundabout



Applications decided by Delegated Powers between 01/12/2020 and 31/12/2021

Total Count of Applications: 319

ADAM

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>                          | <u>Location</u>                              | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02030/DCH              | 07/10/2020        | AMIN                  | REAR GARAGE WITH GYM AND GAMES ROOM OVER | 36 STACEY ROAD, ADAMSDOWN, CARDIFF, CF24 1DU | 65                            | False                          | Planning Permission be refused | 11/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                                  | <u>Proposal</u>  | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|--|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02168/MJR              | 23/10/2020        | WRW on behalf of Cardiff Community Housing Association | AMENDMENT TO INCREASE THE HEIGHT OF THE BUILDING - PREVIOUSLY APPROVED UNDER 17/02902/MJR  | LONGCROSS HOUSE, LONGCROSS STREET, ADAMSDOWN, CARDIFF, CF24 0JW | 47                            | True                           | Permission be granted | 09/12/2020           |
| 19/01860/MJR              | 01/07/2019        | Mace Developments (Cardiff) Ltd                        | TEMPORARY CHANGE OF USE OF 166 CLUSTER ROOMS AND 235 STUDIOS FROM STUDENT ACCOMMODATION (SUI GENERIS) TO PROFESSIONAL SERVICED APARTMENTS (USE CLASS C1)   | THE WEST WING, GLOSSOP ROAD, ADAMSDOWN, CARDIFF, CF24 0JU       | 549                           | False                          | Permission be granted | 31/12/2020           |
| 20/02592/MJR              | 14/12/2020        | CCHA   | RELOCATION OF SERVICE DOORS AND HABITABLE WINDOWS AT GROUND FLOOR LEVEL TO ELEVATION FACING LONGCROSS STREET, REVISIONS TO SIZE AND POSITIONS OF REAR ELEVATION WINDOWS AND AMENDMENT OF PARTY WALL JUNCTION DETAIL TO BOTH LONGCROSS STREET AND GLOSSOP ROAD - PREVIOUSLY APPROVED UNDER 17/02902/MJR | LONGCROSS HOUSE, LONGCROSS STREET, ADAMSDOWN, CARDIFF, CF24 0JW | 22                            | True                           | Permission be granted | 05/01/2021           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                    | <u>Proposal</u>  | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|--|--|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| PRAP/20/00052/MNR         | 20/10/2020        | Hutchison 3G UK Ltd                      | MONOPOLE AND EQUIPMENT CABINETS  | LAND AT THE JUNCTION OF METEOR STREET AND MOIRA PLACE, ADAMSDOWN, CARDIFF | 50                            | True                           | Permission Required            | 18/12/2020           |
| 20/02269/MNR              | 09/11/2020        | Mr Lawrence Khan                         | ESTABLISH USE AS 2 FLATS   | 55 EMERALD STREET, ADAMSDOWN, CARDIFF, CF24 1QA                           | 63                            | False                          | Permission be granted          | 11/01/2021           |
| 20/02277/MNR              | 18/11/2020        | Rendle                                   | USE OF PROPERTY AS TWO FLATS   | 51 CECIL STREET, ADAMSDOWN  | 57                            | False                          | Permission be granted          | 14/01/2021           |
| A/20/00070/MNR            | 19/10/2020        | UNITE                                    | INSTALLATION OF ONE SET OF INDIVIDUAL HALO ILLUMINATED LETTERS                 | TY PONT HAEARN, PELLETT STREET, ADAMSDOWN, CARDIFF, CF10 4FB              | 63                            | False                          | Permission be granted          | 21/12/2020           |
| 20/01713/MNR              | 03/09/2020        | RICHARDSON                               | CONVERSION FROM 2 TO 3 FLATS PLUS 2 STOREY REAR EXTENSION                      | 45 CLIFTON STREET, ADAMSDOWN, CARDIFF, CF24 1LS                           | 103                           | False                          | Planning Permission be refused | 15/12/2020           |
| 20/02026/MNR              | 08/10/2020        | PARSON                                   | TWO STOREY REAR EXTENSION TO CREATE ONE BEDROOM FLAT WITH EXTERNAL ALTERATIONS | 165 BROADWAY, ADAMSDOWN, CARDIFF, CF24 1QH                                | 69                            | False                          | Planning Permission be refused | 16/12/2020           |
| 20/02515/MNR              | 10/12/2020        | THREADNEEDLE UK PROPERTY INVESTMENT FUND | DISCHARGE OF CONDITION 5 (CYCLE PARKING PROVISION) OF 20/01207/MNR             | UNIT 2A, CITY LINK, NEWPORT ROAD, ADAMSDOWN, CARDIFF, CF24 1PQ            | 26                            | True                           | Full Discharge of Condition    | 05/01/2021           |

## BUTE

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|-----------------|-----------------|-------------------------------|--------------------------------|-----------------|----------------------|
|---------------------------|-------------------|-----------------------|-----------------|-----------------|-------------------------------|--------------------------------|-----------------|----------------------|

|              |            |                                  |  |   |     |       |                             |            |
|--------------|------------|----------------------------------|--|---|-----|-------|-----------------------------|------------|
| 20/00442/MJR | 21/02/2020 | J R Smart (Builders) Ltd         | DISCHARGE OF CONDITIONS 6 (MATERIAL SAMPLES), 7 (ARCHITECTURAL DETAILING), 12 (WASTE STORAGE) AND 32 (CYCLE PARKING PROVISION) OF PLANNING PERMISSION 19/01065/MJR   | LAND ON THE NORTH AND SOUTH SIDE OF JOHN STREET, CALLAGHAN SQUARE, BUTETOWN, CARDIFF                            | 304 | False | Full Discharge of Condition | 21/12/2020 |
| 20/02205/MJR | 27/10/2020 | United Welsh Housing Association | AMENDMENTS TO THE WORDING OF CONDITIONS 3, 8, 9, 10, 19, 20 REGARDING TIMING TO ALLOW DEMOLITION WORKS TO BE UNDERTAKEN IN ADVANCE OF COMPLIANCE - PREVIOUSLY APPROVED UNDER 19/02618/MJR  | ST CUTHBERTS CHURCH, 14A POMEROY STREET, BUTETOWN, CARDIFF, CF10 5GS  | 48  | True  | Permission be granted       | 14/12/2020 |
| 19/01065/MJR | 28/03/2019 | J R Smart (Builders) Ltd         | VARIATION OF CONDITION 3 OF 17/02615/MJR TO AMEND THE STRUCTURAL GRID FROM 9.000M TO 7.500M, THE MATERIAL FINISH, ARCHITECTURAL DETAILING, REPLACING THE MULTI-STOREY CAR PARK WITH REAR SURFACE CAR PARK AND CAR PARKING ALONG NETWORK RAIL ACCESS ROAD, RELOCATION OF SPRINKLER TANK, ADDITIONAL OFFICE SPACE TO FIRST FLOOR AND ADDITIONAL GYMNASIUM SPACE AND CYCLE STORAGE TO GROUND FLOOR (REDUCTION IN GDA BY 953SQM) | LAND ON THE SOUTH SIDE OF JOHN STREET, BUTETOWN, CARDIFF  | 630 | False | Permission be granted       | 17/12/2020 |
| 20/02550/MJR | 14/12/2020 | Kestrel Construction             | DISCHARGE OF CONDITION 7 (GROUND GAS PROTECTION) OF 17/00699/MJR   | BAY CHAMBERS, WEST BUTE STREET, BUTETOWN, CARDIFF, CF10 5BB   | 4   | True  | Full Discharge of Condition | 18/12/2020 |
| 20/02612/MJR | 16/12/2020 | Viridis Real Estate Services Ltd | REMOVAL OF THE ALUMINIUM COMPOSITE MATERIAL (ACM) CLADDING AND REPLACEMENT WITH SOLID ALUMINIUM CLADDING PANELS IN SIMILAR COLOURS AS THE EXISTING PREVIOUSLY APPROVED UNDER 13/00130/DCI  | LUMIS STUDENT LIVING NORTH AND SOUTH BLOCKS, CAPITAL QUARTER, TYNDALL STREET, ATLANTIC WHARF, CARDIFF, CF10 4BQ | 36  | True  | Permission be granted       | 21/01/2021 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01566/MNR              | 11/08/2020        | Joseph                | CHANGE OF USE OF GROUND, FIRST AND SECOND FLOORS FROM HOTEL TO 3NO. RESIDENTIAL FLATS WITH ASSOCIATED INTERNAL MODIFICATIONS | 5 BUTE CRESCENT, CARDIFF BAY, CARDIFF, CF10 5AN                             | 128                           | False                          | Permission be granted          | 17/12/2020           |
| 20/01567/MNR              | 10/08/2020        | Joseph                | CHANGE OF USE OF GROUND, FIRST AND SECOND FLOORS FROM HOTEL TO 3NO. RESIDENTIAL FLATS WITH ASSOCIATED INTERNAL MODIFICATIONS | 5 BUTE CRESCENT, CARDIFF BAY, CARDIFF, CF10 5AN                             | 129                           | False                          | Permission be granted          | 17/12/2020           |
| 20/02056/MNR              | 15/10/2020        | St. Mary's Church     | ALTERATIONS TO EAST BOUNDARY TO REINSTATE A CENTRAL GATEWAY  | ST MARY THE VIRGIN CHURCH, NORTH CHURCH STREET, BUTETOWN, CARDIFF, CF10 5HB | 50                            | True                           | Permission be granted          | 04/12/2020           |
| 20/02053/MNR              | 16/10/2020        | Howes                 | CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS WITH REAR EXTENSIONS AND REAR DORMER ROOF EXTENSION                 | 8 MOUNT STUART SQUARE, BUTETOWN, CARDIFF, CF10 5EE                          | 62                            | False                          | Planning Permission be refused | 17/12/2020           |
| 20/02054/MNR              | 16/10/2020        | Howes                 | CONVERSION OF PROPERTY TO FORM FOUR SELF-CONTAINED FLATS WITH REAR EXTENSIONS AND REAR DORMER ROOF EXTENSION                 | 8 MOUNT STUART SQUARE, BUTETOWN, CARDIFF, CF10 5EE                          | 62                            | False                          | Planning Permission be refused | 17/12/2020           |
| 20/01342/MNR              | 15/07/2020        | Elgoibar Ltd          | DISCHARGE OF CONDITION 6 (SOUND PROOFING) OF 18/02510/MNR  | 111-112 BUTE STREET, BUTETOWN, CARDIFF, CF10 5AD                            | 156                           | False                          | Full Discharge of Condition    | 18/12/2020           |
| 20/02638/MNR              | 18/12/2020        | Forum Europe Ltd      | CHANGE OF USE FROM USE CLASS A1 (SHOPS) TO USE CLASS B1 (BUSINESS)   | UNIT 5, SOVEREIGN QUAY, HAVANNAH STREET, CARDIFF BAY, CARDIFF, CF10 5SF     | 31                            | True                           | Permission be granted          | 18/01/2021           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                             | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02002/DCH              | 06/11/2020        | Emery                 | RETENTION OF FIRST FLOOR EXTENSION OVER EXISTING PORCH AREA | 17 COLIN WAY, CAERAU, CARDIFF, CF5 5AJ      | 42                            | True                           | Planning Permission be refused | 18/12/2020           |
| 20/02136/DCH              | 22/10/2020        | Kaaba                 | CONSTRUCTION OF A FIRST FLOOR REAR EXTENSION                | 22 BARNARD AVENUE, CAERAU, CARDIFF, CF5 5AU | 81                            | False                          | Permission be granted          | 11/01/2021           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01861/MNR              | 16/09/2020        | Cardiff Council       | PROPOSED NEW MULTI USE GAMES AREA (MUGA) WITH ASSOCIATED MAINTENANCE DRIVEWAY AND PLANTING BED                            | TRELAU PRIMARY SCHOOL, BISHOPSTON ROAD, CAERAU, CARDIFF, CF5 5DY | 117                           | False                          | Permission be granted          | 11/01/2021           |
| 20/01898/MNR              | 29/09/2020        | On behalf of ACE      | VARIATION OF CONDITION 2 OF 18/01679/MNR TO ALLOW SUBSTITUTION OF AMENDED PLANS   | CAERAU EVANGELICAL CHURCH, CHURCH ROAD, CAERAU, CARDIFF, CF5 5LQ | 73                            | False                          | Permission be granted          | 11/12/2020           |
| 20/02285/MNR              | 06/11/2020        | Miah                  | CHANGE OF USE OF PART OF GROUND FLOOR OF RESIDENTIAL PROPERTY TO A3 USE AS A FOOD TAKEAWAY BUSINESS WITH ASSOCIATED WORKS | 15 COWBRIDGE ROAD WEST, CAERAU, CARDIFF, CF5 5BP                 | 39                            | True                           | Planning Permission be refused | 15/12/2020           |
| 21/00026/MNR              | 07/01/2021        | ACE                   | DISCHARGE OF CONDITION 18 (ECOLOGICAL UPDATE) OF 20/01898/MNR   | CAERAU EVANGELICAL CHURCH, CHURCH ROAD, CAERAU, CARDIFF, CF5 5LQ | 13                            | True                           | Full Discharge of Condition    | 20/01/2021           |

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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02029/DCH              | 14/10/2020        | Arora                 | PROPOSED FIRST FLOOR EXTENSION OVER EXISTING GROUND FLOOR FAMILY ROOM PROPOSED GARDEN ROOM   | 56 HEOL TERRELL, CANTON, CARDIFF, CF11 8BF        | 54                            | True                           | Planning Permission be refused | 07/12/2020           |
| 20/01741/DCH              | 03/09/2020        | Edwards               | SINGLE STOREY REAR EXTENSION   | 2 ROMILLY PLACE, CANTON, CARDIFF, CF5 1FP         | 98                            | False                          | Permission be granted          | 10/12/2020           |
| 20/02177/DCH              | 28/10/2020        | Shah                  | FIRST FLOOR REAR EXTENSION   | 33 ST DONAT'S ROAD, CANTON, CARDIFF, CF11 8AL     | 76                            | False                          | Permission be granted          | 12/01/2021           |
| 20/02128/DCH              | 23/10/2020        | Towns                 | SINGLE STOREY REAR EXTENSION INCLUDING CAR PORT CANOPY                                       | 57 ROMILLY ROAD, CANTON, CARDIFF, CF5 1FL         | 83                            | False                          | Permission be granted          | 14/01/2021           |
| 20/02382/DCH              | 19/11/2020        | McGowan               | SINGLE STOREY SIDE & REAR EXTENSION WITH LEAN-TO ROOF  | 120 WINDWAY ROAD, CANTON, CARDIFF, CF5 1AH        | 53                            | True                           | Permission be granted          | 11/01/2021           |
| 20/02371/DCH              | 16/11/2020        | Thomas                | SINGLE STOREY REAR EXTENSION   | 5 HEOL TERRELL, CANTON, CARDIFF, CF11 8BF         | 18                            | True                           | Permission be granted          | 04/12/2020           |
| 20/02206/DCH              | 29/10/2020        | Barlier               | REMOVE AND RECONSTRUCT EXISTING ROOF AND REAR WALL OF EXISTING EXTERNAL STORE TO REAR GARDEN | 9 KENSINGTON AVENUE, CANTON, CARDIFF, CF5 1BU     | 35                            | True                           | Permission be granted          | 03/12/2020           |
| 20/02248/DCH              | 11/11/2020        | Patten                | SINGLE STOREY REAR EXTENSION AND FIRST FLOOR EXTENSION UNDER EXISTING ROOF OVERHANG          | 480 COWBRIDGE ROAD EAST, CANTON, CARDIFF, CF5 1BL | 33                            | True                           | Permission be granted          | 14/12/2020           |
| 20/02400/DCH              | 19/11/2020        | Voisey                | GABLE END ROOF EXTENSION WITH REAR DORMER  | 2 VICTORIA AVENUE, CANTON, CARDIFF, CF5 1ET       | 34                            | True                           | Permission be granted          | 23/12/2020           |
| 20/02476/DCH              | 15/12/2020        | INTROGILA             | REAR DORMER ROOF EXTENSION   | 130 LANSDOWNE ROAD, CANTON, CARDIFF, CF5 1PW      | 8                             | True                           | Permission be granted          | 23/12/2020           |

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| 20/02578/DCH              | 15/12/2020        | Pritchard                                 | SECOND STOREY REAR EXTENSION ABOVE EXISTING GROUND FLOOR EXTENSION  | 2 THOMPSON PLACE, CANTON, CARDIFF, CF5 1DW   | 28                            | True                           | Permission be granted          | 12/01/2021           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                     | <u>Proposal</u>   | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
| 20/01944/MJR              | 01/10/2020        | Ely Mill Development Company Ltd          | VARIATION OF CONDITION 1 OF 19/02328/MJR TO SUBSTITUTE APPROVED PLANS TO PREVENT FLOODING OF CAR PARK   | PHASE B2, PART PHASE C AND PART PHASE E, FORMER PAPER MILL ARJO WIGGINS, SANATORIUM ROAD, CANTON | 71                            | False                          | Permission be granted          | 11/12/2020           |
| 20/02518/MJR              | 08/12/2020        | Cardiff City Council                      | REVISION TO THE SHOT-PUT THROWS AREA TO FINALISE DETAILS OF THE PROPOSED AREA INCLUDING SHELTER LOCATION, ACCESS TO THE AREA, POST AND RAIL FENCE POSITION - PREVIOUSLY APPROVED UNDER 20/00035/MJR | LAND OFF LECKWITH ROAD, CANTON, CARDIFF  | 28                            | True                           | Permission be granted          | 05/01/2021           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                     | <u>Proposal</u>   | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
| 20/02031/MNR              | 15/10/2020        | Arora                                     | PROPOSED FOUR BEDROOM DETACHED PROPERTY   | PART OF LAND AT 56 HEOL TERRELL, CANTON, CARDIFF, CF11 8BF                                       | 53                            | True                           | Planning Permission be refused | 07/12/2020           |
| 20/00472/MNR              | 27/02/2020        | Pegasus Developments (Cowbridge Road) Ltd | CHANGE OF USE OF EXISTING ROYAL MAIL FLEET VEHICLE CAR PARK TO RESIDENTIAL CAR PARKING, REVISED PARKING ARRANGEMENT AND REDUCTION IN SPACES FROM 25 TO 13   | 637 COWBRIDGE ROAD EAST, CANTON, CARDIFF, CF5 1BH  | 287                           | False                          | Permission be granted          | 10/12/2020           |
| A/20/00047/MNR            | 11/08/2020        | Ocean Outdoor                             | THE DISPLAY OF A FREESTANDING, INTERNALLY ILLUMINATED, DIGITAL ADVERTISING SCREEN   | LAND AT LECKWITH ROAD ROUNDABOUT, CANTON, CARDIFF  | 133                           | False                          | Permission be granted          | 22/12/2020           |

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| 20/02289/MNR | 09/11/2020 | CASHIN                     | CONVERSION TO 3 FLATS WITH TWO STOREY REAR/SIDE EXTENSION AND REAR DORMER ROOF EXTENSION | 17 LANSDOWNE ROAD, CANTON, CARDIFF, CF5 1PQ                                 | 44 | True  | Permission be granted | 23/12/2020 |
| 20/02100/MNR | 15/10/2020 | NSW Accident Repair Centre | PROPOSED NEW STEEL FRAMED UNIT TO HOUSE A RAMP FOR VEHICLE WHEEL ALIGNING                | N S W ACCIDENT REPAIR CENTRE, UNIT 5, HEDEL ROAD, CANTON, CARDIFF, CF11 8DJ | 67 | False | Permission be granted | 21/12/2020 |

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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>   | <u>Proposal</u>   | <u>Location</u>                                | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-------------------------|---|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02224/DCH              | 03/11/2020        | C & P HARRIS PROPERTIES | REAR DORMER, ROOF-LIGHTS & GROUND FLOOR REAR EXTENSION & ALTERATIONS                                    | 41 MONTHERMER ROAD, CATHAYS, CARDIFF, CF24 4QX | 45                            | True                           | Permission be granted          | 18/12/2020           |
| 20/01910/DCH              | 02/10/2020        | Grewel                  | SINGLE AND TWO STOREY EXTENSION TO REAR OF PROPERTY   | 85 HARRIET STREET, CATHAYS, CARDIFF, CF24 4BX  | 69                            | False                          | Planning Permission be refused | 10/12/2020           |
| 20/00405/DCH              | 27/02/2020        | Mr Shaz                 | DOUBLE STOREY REAR EXTENSION AND CONSTRUCTION OF REAR DORMER TO EXISTING C4 HOUSE OF MULTIPLE OCCUPANCY | 140 MISKIN STREET, CATHAYS, CARDIFF, CF24 4AS  | 299                           | False                          | Permission be granted          | 22/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>        | <u>Proposal</u>  | <u>Location</u>                                  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|------------------------------|--|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02069/MJR              | 13/10/2020        | Ropemaker Properties Limited | ALTERATIONS TO FENESTRATION, DOORS AND LOUVRES AND AMEND THE WORDING OF CONDITION 2 TO SUBSTITUTE THE RELEVANT APPROVED PLANS AND ELEVATIONS TO REFLECT THE PROPOSED AMENDMENTS - PREVIOUSLY APPROVED UNDER 19/02464/MJR | LANDORE COURT, 47-53 CHARLES STREET, CITY CENTRE | 66                            | False                          | Permission be granted | 18/12/2020           |



|                           |                   |                                     |   |   |                               |                                |                                |                      |
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| 18/03009/MJR              | 04/01/2019        | Bowden Jones Solicitors             | DEMOLITION OF EXISTING REAR BUILDINGS AND CHANGE OF USE AND EXTENSION OF EXISTING OFFICE BUILDING TO PROVIDE REFURBISHED OFFICES AND 16 FLATS AND ASSOCIATED FACILITIES | 21-22 PARK PLACE, CATHAYS PARK, CARDIFF, CF10 3DQ   | 719                           | False                          | Permission be granted          | 23/12/2020           |
| 20/02397/MJR              | 18/11/2020        | Rightacres Property Company Limited | RE-DISCHARGE OF CONDITION 6 (STAIRCASE) OF 19/01540/MJR WITH NEW DETAILS  | PARKGATE HOUSE, WESTGATE STREET, CITY CENTRE, CARDIFF, CF10 1NW                           | 55                            | True                           | Full Discharge of Condition    | 12/01/2021           |
| 20/01858/MJR              | 17/09/2020        | Hafod Housing Association           | DISCHARGE OF CONDITIONS 16 (IMPORTED TOPSOIL), 17 (IMPORTED AGGREGATES), AND 18 (SITE WON MATERIAL) OF 18/02856/MJR   | THE GOWER HOTEL, 29 GWENNYTH STREET, CATHAYS, CARDIFF, CF24 4PH                           | 88                            | False                          | Full Discharge of Condition    | 14/12/2020           |
| 20/02520/MJR              | 08/12/2020        | ISG Ltd                             | MINOR ALTERATIONS TO 17/01751/MJR – ADDITION OF FROSTED FILM TO PARTS OF THE WESTERN AND EASTERN GROUND FLOOR ELEVATIONS AND MINOR INTERNAL ALTERATIONS                 | TY WILLIAM MORGAN, SIX AND SEVEN WOOD STREET, WOOD STREET, CITY CENTRE, CARDIFF, CF10 1ER | 35                            | True                           | Permission be granted          | 12/01/2021           |
| 20/02334/MJR              | 02/12/2020        | C/O Agent                           | DISCHARGE OF CONDITION 9 (MATERIAL CLADDING) OF 18/02019/MJR AS AMENDED BY 20/00359/MJR   | LAND AT SENGHENNYDD ROAD, CATHAYS, CARDIFF  | 9                             | True                           | Full Discharge of Condition    | 11/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>               | <u>Proposal</u>   | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
| 20/02115/MNR              | 20/10/2020        | G&T Properties Ltd                  | CHANGE OF USE FROM C3 RESIDENTIAL DWELLING TO A SIX BED C4 HOUSE IN MUTIPLE OCCUPATION AND CONSTRUCTION OF A REAR DORMER ROOF EXTENSION AND ASSOCIATED WORKS            | 164 RHYMNEY STREET, CATHAYS, CARDIFF, CF24 4DJ  | 51                            | True                           | Planning Permission be refused | 10/12/2020           |
| 20/02344/MNR              | 26/11/2020        | AHMED                               | CHANGE OF USE OF GROUND FLOOR FROM ESTATE AGENTS TO CAFE (A3)   | 93 WYEVEERNE ROAD, CATHAYS, CARDIFF, CF24 4BG   | 50                            | True                           | Permission be granted          | 15/01/2021           |

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|----------------|------------|---------------------------------------|--|---|----|-------|-----------------------|------------|
| A/20/00074/MNR | 17/11/2020 | Clear Channel                         | INSTALLATION OF A DOUBLE SIDED ADVERTISING UNIT WITHIN BUS SHELTER   | BUS SHELTER, REAR OF 84-86 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DW | 55 | True  | Permission be granted | 11/01/2021 |
| 20/02463/MNR   | 27/11/2020 | Triggs                                | EXISTING USE AS HOUSE IN MULTIPLE OCCUPATION   | 182 CATHAYS TERRACE, CATHAYS, CARDIFF, CF24 4HZ                           | 48 | True  | Permission be granted | 14/01/2021 |
| 20/02196/MNR   | 01/11/2020 | STONE                                 | CONVERSION TO 4 FLATS  | 18 NORTH ROAD, BLACKWEIR, CARDIFF, CF10 3DT                               | 51 | True  | Permission be granted | 22/12/2020 |
| 20/01948/MNR   | 30/09/2020 | Legal & General Investment Management | REPLACEMENT OF EXISTING REAR ELEVATION WINDOWS WITH SLIDING/SWING DOORS, NEW EXTERNAL TERRACE AND PLANTERS, NEW ROOFTOP PLANT AND PLATFORM. INTERNAL ALTERATIONS TO GROUND, FIRST AND SECOND FLOORS INCLUDING NEW LOUVRES IN REAR WINDOWS, REPLACEMENT INTERNAL VENTILATION SYSTEM AND PIPEWORK, REMOVAL OF STUD PARTITION WALLS, NEW PLATFORM LIFT, NEW INTERNAL OPENINGS, FIT OUT OF NEW COFFEE LOUNGE AND ALL ASSOCIATED REDECORATION WORKS | HODGE HOUSE, GUILDHALL PLACE, CITY CENTRE, CARDIFF, CF10 1EB              | 72 | False | Permission be granted | 11/12/2020 |
| 20/01949/MNR   | 05/10/2020 | Legal & General Investment Management | REPLACEMENT OF EXISTING REAR ELEVATION WINDOWS WITH SLIDING/SWING DOORS, NEW EXTERNAL TERRACE AND PLANTERS, NEW AND REPLACEMENT ROOFTOP PLANT AND NEW RAISED PLATFORM, NEW AND REPLACEMENT PLANT IN REAR SERVICE YARD WITH ASSOCIATED PIPEWORK AND LOUVRES, REPLACEMENT AND REFRESHED BOUNDARY TREATMENTS AND RELOCATION OF BIN STORE  | HODGE HOUSE, GUILDHALL PLACE, CITY CENTRE, CARDIFF, CF10 1EB              | 67 | False | Permission be granted | 11/12/2020 |

|                |            |                   |  |  |    |       |                       |            |
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| A/20/00077/MNR | 16/10/2020 | Clear Channel     | INSTALLATION OF A DOUBLE SIDED INTERNALLY ILLUMINATED ADVERTISING PANEL  | BUS SHELTER, SAINT DAVIDS HOUSE, WOOD STREET, CITY CENTRE, CARDIFF, CF10 1ES     | 55 | True  | Permission be granted | 10/12/2020 |
| 20/02163/MNR   | 27/10/2020 | IMPERIAL SERVICES | CONVERSION OF 5 BED GROUND FLOOR FLAT INTO 2NO. FLATS  | GROUND FLOOR FLAT, 56 COLUM ROAD, CATHAYS PARK, CARDIFF, CF10 3EH                | 48 | True  | Permission be granted | 14/12/2020 |
| 20/01919/MNR   | 19/10/2020 | G Capital Retail  | COMBINATION OF UNITS 16 - 18 AND 20 - 22, INTRODUCTION OF OPENING WINDOWS TO SHOPFRONTS AND CHANGE OF USE FROM A1 TO A3 USE CLASS    | UNITS 16, 18, 20 AND 22 WYNDHAM ARCADE, CATHAYS, CARDIFF, CF10 1FJ               | 44 | True  | Permission be granted | 02/12/2020 |
| 20/01920/MNR   | 19/10/2020 | G Capital Retail  | COMBINATION OF UNITS 16 - 18 AND 20 - 22, INTRODUCTION OF OPENING WINDOWS TO SHOPFRONTS AND CHANGE OF USE FROM A1 TO A3 USE CLASS    | UNITS 16, 18, 20 AND 22 WYNDHAM ARCADE, CATHAYS, CARDIFF, CF10 1FJ               | 44 | True  | Permission be granted | 02/12/2020 |
| 20/01921/MNR   | 19/10/2020 | G Capital Retail  | COMBINATION OF UNIT 19 WITH UNITS 21 - 25, INTRODUCTION OF OPENING WINDOWS TO SHOPFRONTS AND CREATION OF COURTYARD LINKED TO UNIT 25 | UNITS 19 AND 21-25, WYNDHAM ARCADE, CATHAYS, CARDIFF, CF10 1FH                   | 44 | True  | Permission be granted | 02/12/2020 |
| 20/01922/MNR   | 19/10/2020 | G Capital Retail  | COMBINATION OF UNIT 19 WITH UNITS 21 - 25, INTRODUCTION OF OPENING WINDOWS TO SHOPFRONTS AND CREATION OF COURTYARD LINKED TO UNIT 25 | UNITS 19 AND 21- 25, WYNDHAM ARCADE, CATHAYS, CARDIFF, CF10 1FH                  | 44 | True  | Permission be granted | 02/12/2020 |
| 20/01890/MNR   | 24/09/2020 | Currency Cloud    | REMOVAL OF EXISTING WINDOW AND REPLACEMENT WITH NEW DOOR AND INSTALLATION OF TIMBER FENCING ON FIFTH FLOOR TERRACE                   | FIFTH FLOOR, HODGE HOUSE, 114-116 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DY | 68 | False | Permission be granted | 01/12/2020 |
| 20/01891/MNR   | 24/09/2020 | Currency Cloud    | REMOVAL OF EXISTING WINDOW AND REPLACEMENT WITH NEW DOOR AND INSTALLATION OF TIMBER FENCING ON FIFTH FLOOR TERRACE                   | FIFTH FLOOR, HODGE HOUSE, 114-116 ST MARY STREET, CITY CENTRE, CARDIFF, CF10 1DY | 68 | False | Permission be granted | 01/12/2020 |

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| 20/00851/MNR   | 16/07/2020 | AHMED                | CONVERSION OF PROPERTY TO 5NO. FLATS WITH REAR SINGLE AND DOUBLE STOREY EXTENSION AND DORMER LOFT EXTENSION   | 83 COLUM ROAD, CATHAYS PARK, CARDIFF, CF10 3EF                        | 144 | False | Planning Permission be refused | 07/12/2020 |
| 20/02198/MNR   | 27/10/2020 | GSHWI Limited        | AMENDMENT TO REMOVE STUDENT ONLY RESTRICTION - PREVIOUSLY APPROVED UNDER 05/00769/C   | WESTMINSTER HOUSE, 95-97 ST MARY STREET, CITY CENTRE                  | 43  | True  | Planning Permission be refused | 09/12/2020 |
| 20/01641/MNR   | 20/08/2020 | Rafique              | RENEWAL OF PLANNING APPLICATION 15/01126/MNR FOR CHANGE OF USE FROM BUILDERS YARD INTO ONE BEDROOM RESIDENTIAL UNIT   | 16A ROBERT STREET, CATHAYS, CARDIFF, CF24 4PB                         | 111 | False | Planning Permission be refused | 09/12/2020 |
| 20/01573/MNR   | 12/08/2020 | Piazza               | CHANGE OF USE FROM A1 (RETAIL) TO MIXED USE A1/A3 (RETAIL / CAFE - COFFEE SHOP - RESTAURANT)  | 94 CRWYS ROAD, CATHAYS, CARDIFF, CF24 4NQ                             | 117 | False | Permission be granted          | 07/12/2020 |
| 20/02162/MNR   | 27/10/2020 | IMPERIAL SERVICES    | CONVERSION OF 5 BED GROUND FLOOR FLAT INTO 2NO. FLATS   | GROUND FLOOR FLAT, 58 COLUM ROAD, CATHAYS PARK, CARDIFF, CF10 3EH     | 41  | True  | Permission be granted          | 07/12/2020 |
| 20/02514/MNR   | 04/12/2020 | Gordon Dadds LLP     | CHANGE OF USE FROM LANGUAGE SCHOOL TO OFFICES (B1)  | 33 CHARLES STREET, CITY CENTRE, CARDIFF                               | 39  | True  | Permission be granted          | 12/01/2021 |
| 20/02445/MNR   | 03/12/2020 | Crossman             | VARIATION OF CONDITION 2 OF 18/01009/MNR TO ALLOW MOVABLE RETAIL UNITS TO BE RETAINED FOR A FURTHER 3 YEARS   | PRINCIPALITY STADIUM, WESTGATE STREET, CITY CENTRE, CARDIFF, CF10 1NS | 40  | True  | Permission be granted          | 12/01/2021 |
| A/20/00094/MNR | 22/12/2020 | Clear Channel UK Ltd | INSTALL DOUBLE-SIDED ADVERTISING DISPLAY UNIT WITHIN BUS SHELTER CONTAINING INTEGRATED INTERNALLY ILLUMINATED 6-SHEET DISPLAYS WITH A DOUBLE-SIDED ADVERTISING DISPLAY UNIT CONTAINING INTEGRATED DIGITAL DISPLAYS. | SITE ON CASTLE STREET, CITY CENTRE, CARDIFF                           | 23  | True  | Permission be granted          | 14/01/2021 |
| A/20/00089/MNR | 15/12/2020 | Next Retail          | INSTALLATION OF HANGING PANEL SIGN  | 80-88 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2GR                    | 27  | True  | Permission be granted          | 11/01/2021 |

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| 20/02633/MNR   | 21/12/2020 | NewRiver Retail (Cardiff) Limited | CHANGE OF USE OF PART OF FIRST FLOOR FROM A1 (SHOPS) TO A2 (FINANCIAL AND PROFESSIONAL SERVICES) AND ACCESS AND ASSOCIATED ALTERATIONS AT GROUND FLOOR LEVEL | PART GROUND FLOOR AND FIRST FLOOR ON EASTERN SIDE OF CAPITOL ARCADE, CARDIFF | 28 | True | Permission be granted | 18/01/2021 |
| 20/02394/MNR   | 19/11/2020 | Lakeside Homes Ltd                | VARIATION OF CONDITION 2 OF 20/00020/MNR TO ALTER APPROVED PLANS   | LAKESIDE HOUSE NURSING HOME, 37 WEDAL ROAD, CATHAYS, CARDIFF, CF14 3QX       | 29 | True | Permission be granted | 18/12/2020 |
| 20/02313/MNR   | 12/11/2020 | ILLYAS                            | CONVERSION FROM 2 TO 3 FLATS WITH REAR DORMER ROOF EXTENSION   | 71 MONTHERMER ROAD, CATHAYS, CARDIFF, CF24 4QX                               | 39 | True | Permission be granted | 21/12/2020 |
| 20/02328/MNR   | 12/11/2020 | Hoare                             | ROOFTOP GARDENS TO EXISTING A3 BUILDING  | 18-19 CHURCH STREET, CITY CENTRE, CARDIFF, CF10 1BG                          | 40 | True | Permission be granted | 22/12/2020 |
| 20/02367/MNR   | 17/11/2020 | Usman                             | VARIATION OF CONDITION 2 OF 02/00177/W TO CHANGE OPENING HOURS TO 8AM-11PM MONDAY TO SUNDAY  | 138 CRWYS ROAD, CATHAYS, CARDIFF, CF24 4NR                                   | 35 | True | Permission be granted | 22/12/2020 |
| 20/02380/MNR   | 18/11/2020 | Triggs                            | EXISTING USE AS HOUSE IN MULTIPLE OCCUPATION   | HILL HOUSE, 167 CATHAYS TERRACE, CATHAYS, CARDIFF, CF24 4HW                  | 22 | True | Permission be granted | 10/12/2020 |
| A/20/00079/MNR | 25/11/2020 | Samsung Electronics UK            | NEW SIGNAGE  | 70 QUEEN STREET, CITY CENTRE, CARDIFF, CF10 2GQ                              | 21 | True | Permission be granted | 16/12/2020 |
| A/20/00075/MNR | 18/11/2020 | Clear Channel                     | INSTALLATION OF AN INTERNALLY ILLUMINATED DOUBLE SIDED PAPER ADVERTISING PANEL   | BUS SHELTER, SAINT DAVIDS HOUSE, WOOD STREET, CITY CENTRE, CARDIFF, CF10 1ES | 16 | True | Permission be granted | 04/12/2020 |
| A/20/00076/MNR | 18/11/2020 | Clear Channel                     | INSTALLATION OF AN INTERNALLY ILLUMINATED DOUBLE SIDED PAPER ADVERTISING PANEL   | BUS SHELTER, SAINT DAVIDS HOUSE, WOOD STREET, CITY CENTRE, CARDIFF, CF10 1ES | 16 | True | Permission be granted | 04/12/2020 |
| A/20/00092/MNR | 17/12/2020 | Maximum Respect Property Ltd      | 1 NO. FASCIA SIGN AND 1 NO. PROJECTING SIGN  | 13 CHURCH STREET, CITY CENTRE, CARDIFF, CF10 1BG                             | 25 | True | Permission be granted | 11/01/2021 |

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| 20/02244/MNR | 03/11/2020 | Berriman | SINGLE AND TWO STOREY REAR EXTENSIONS AND REAR DORMER ROOF EXTENSION TO EXISTING C4 HOUSE IN MULTIPLE OCCUPATION | 102 MAINDY ROAD, CATHAYS, CARDIFF, CF24 4HQ | 34 | True | Permission be granted | 07/12/2020 |
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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>            | <u>Proposal</u>   | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|----------------------------------|---|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/00652/DCH              | 13/03/2020        | Hughes                           | DEMOLITION OF SEMI DETACHED SINGLE STOREY GARAGE AND CONSTRUCTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION                                   | 47 PARC-Y-BRYN, CREIGIAU, CARDIFF, CF15 9SE                             | 272                           | False                          | Permission be granted | 10/12/2020           |
| 20/02154/MNR              | 22/10/2020        | Social Services, Cardiff Council | USE AS SHORT TERM PLACEMENT CHILDRENS HOME  | 19 FALCONWOOD DRIVE, ST FAGANS, CARDIFF, CF5 4SE                        | 54                            | True                           | Permission be granted | 15/12/2020           |
| 20/02036/DCH              | 08/10/2020        | Johnson                          | TWO STOREY SIDE EXTENSION WITH SINGLE STOREY EXTENSIONS TO FRONT AND REAR   | 20 PARC-Y-FRO, CREIGIAU, CARDIFF, CF15 9SA                              | 68                            | False                          | Permission be granted | 15/12/2020           |
| 20/01665/DCH              | 18/09/2020        | St Fagans Trust Estate           | REMOVE AND RELAY THE ROOF COVERING, INTRODUCE WATERPROOF LAYER, RE-POINT THE CHIMNEYS, REMOVE AND REPLACE LEAD FLASHINGS, AND REMOVE, RE-PAINT AND RE-FIX FASCIAS | 1-3 CHESTNUT COTTAGES, CROFFT-Y-GENAU ROAD, ST FAGANS, CARDIFF, CF5 6EG | 89                            | False                          | Permission be granted | 16/12/2020           |
| 20/01930/DCH              | 28/09/2020        | Patel                            | SINGLE STOREY REAR EXTENSION  | 120 PENTREBANE DRIVE, ST FAGANS, CARDIFF, CF5 3DR                       | 73                            | False                          | Permission be granted | 10/12/2020           |
| 20/01938/DCH              | 20/10/2020        | Hayward                          | DEMOLITION OF EXISTING CONSERVATORY AND CONSTRUCTION OF GROUND FLOOR REAR EXTENSION AND FRONT AND REAR DORMER ROOF EXTENSIONS                                     | 34 PARC-Y-FELIN, CREIGIAU, CARDIFF, CF15 9PB                            | 58                            | False                          | Permission be granted | 17/12/2020           |

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| 20/01790/DCH | 15/09/2020 | Holt  | CONSTRUCTION OF A REAR CONSERVATORY AND CONVERSION OF EXISTING GARAGE TO LIVING ACCOMODATION | 28 TREM Y RHYD, ST FAGANS, CARDIFF, CF5 6FW   | 94  | False | Permission be granted | 18/12/2020 |
| 20/01194/DCH | 24/06/2020 | Avery | SINGLE STOREY REAR EXTENSION (INCLUDING GROUND FLOOR BALCONY TO REAR) AND ASSOCIATED WORKS   | 27 LLEWELYN GOCH, ST FAGANS, CARDIFF, CF5 6HR | 203 | False | Permission be granted | 13/01/2021 |

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|---------------------------|-------------------|----------------------------|--|---|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 19/02329/MJR              | 28/08/2019        | Persimmon Homes East Wales | DISCHARGE OF CONDITION 13 (GREEN INFRASTRUCTURE MANAGEMENT PLAN) OF 18/00696/MJR   | M4 JUNCTION 33, MOTORWAY JUNCTION 33, CREIGIAU                  | 474                           | False                          | Full Discharge of Condition | 14/12/2020           |
| 18/00609/MJR              | 06/04/2018        | Persimmon Homes East Wales | DISCHARGE OF CONDITION 35 (CONSTRUCTION MANAGEMENT PLAN) OF 14/00852/DCO   | LAND TO THE NORTH OF M4 JUNCTION 33, CREIGIAU                   | 997                           | False                          | Full Discharge of Condition | 28/12/2020           |
| 20/02398/MJR              | 19/11/2020        | Barratt Homes              | VARIATION OF CONDITION 1 TO ALLOW FOR ALTERATIONS TO ELEVATION TREATMENT OF THE HAWTHORN BLOCK OF FLATS (PLOTS 124-135) - PREVIOUSLY APPROVED UNDER 17/01012/MJR | GOITRE FACH FARM, LLANTRISANT ROAD, ST FAGANS, CARDIFF, CF5 6JD | 25                            | True                           | Permission be granted       | 14/12/2020           |

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|---------------------------|-------------------|---|---------------------------------|--|-------------------------------|--------------------------------|--------------------|----------------------|
| 20/01933/MNR              | 28/09/2020        | Rhondda Cynon Taff County Borough Council | EXTENSION TO EXISTING FARM SHOP | CAESARS ARMS FARM SHOP, HEOL CREIGIAU, EFAIL ISAF, CARDIFF, CF15 9NN | 73                            | False                          | Raise No Objection | 10/12/2020           |

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|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 19/02593/DCH              | 24/09/2019        | Ahmed                 | RENEWAL OF PREVIOUS CONSENT FOR GROUND FLOOR FRONT, REAR & SIDE EXTENSION AND DETACHED GARAGE  | 55 CELYN AVENUE, LAKESIDE, CARDIFF, CF23 6EJ            | 472                           | False                          | Permission be granted | 08/01/2021           |
| 20/02450/DCH              | 26/11/2020        | Jenkins               | CONSTRUCTION OF A SOLID ROOF ON EXISTING CONSERVATORY WITH REAR EXTENSION  | 27 SHERBORNE AVENUE, CYNCOED, CARDIFF, CF23 6SJ         | 49                            | True                           | Permission be granted | 14/01/2021           |
| 20/02433/DCH              | 01/12/2020        | Pope                  | SINGLE STOREY REAR EXTENSION, CONVERSION OF GARAGE AND ASSOCIATED ALTERATIONS  | 45 WOODVALE AVENUE, CYNCOED, CARDIFF, CF23 6SP          | 48                            | True                           | Permission be granted | 18/01/2021           |
| 20/02251/DCH              | 05/11/2020        | Cramp                 | ROOF OF PROPOSED EXTENSIONS TO BE CHANGED TO A FLAT ROOF, ALTERATIONS TO WINDOW AND DOOR POSITIONS TO THE REAR, AND AMENDMENT TO THE SIZE AND USE OF THE SIDE EXTENSION - PREVIOUSLY APPROVED UNDER 18/00241/DCH | 3 SHERBORNE AVENUE, CYNCOED, CARDIFF, CF23 6SJ          | 46                            | True                           | Permission be granted | 21/12/2020           |
| 20/02210/DCH              | 28/10/2020        | Mr & Mrs Alun Young   | DEMOLITION OF REAR BAY AND SINGLE STOREY 'LEAN TO' TO REAR AND REPLACEMENT WITH LARGER REAR SINGLE STOREY EXTENSION  | 17 WINDERMERE AVENUE, ROATH PARK, CARDIFF, CF23 5PQ     | 55                            | True                           | Permission be granted | 22/12/2020           |
| 20/01816/DCH              | 11/09/2020        | SINCLAIR              | DORMER EXTENSIONS TO FRONT, SIDE & REAR ELEVATIONS TOGETHER WITH VELUX ROOF WINDOWS  | 209 LAKE ROAD WEST, ROATH PARK, CARDIFF, CF23 5QX       | 103                           | False                          | Permission be granted | 23/12/2020           |
| 20/02129/DCH              | 23/10/2020        | Austin                | PROPOSED SINGLE STOREY FRONT EXTENSION   | 80 BLACK OAK ROAD, CYNCOED, CARDIFF, CF23 6QX           | 49                            | True                           | Permission be granted | 11/12/2020           |
| 20/01904/DCH              | 24/09/2020        | Sakhuja               | TO REDUCE THE GROUND FLOOR FOOTPRINT OF THE SIDE ELEVATION - PREVIOUSLY APPROVED UNDER 19/03239/DCH  | GLENESK, 5 ST EDEYRN'S ROAD, CYNCOED, CARDIFF, CF23 6TB | 81                            | False                          | Permission be granted | 14/12/2020           |



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| 20/02157/DCH | 27/10/2020 | Stephens | FIRST FLOOR SIDE EXTENSION ABOVE EXISTING GARAGE PLUS REAR SINGLE STOREY EXTENSION TO DINING /KITCHEN  | 24 RANNOCH DRIVE, LAKESIDE, CARDIFF, CF23 6LQ      | 50 | True | Permission be granted          | 16/12/2020 |
| 20/01967/DCH | 21/10/2020 | Faria    | TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND REAR DORMER ROOF EXTENSION   | 4 EVERARD WAY, LAKESIDE, CARDIFF, CF23 6DP         | 47 | True | Permission be granted          | 07/12/2020 |
| 20/02169/DCH | 27/10/2020 | Bhakar   | TWO STOREY HIPPED ROOF REAR EXTENSION AND ENLARGE KITCHEN AT GROUND FLOOR LEVEL  | 50 THREE ARCHES AVENUE, CYNCOED, CARDIFF, CF14 0NW | 48 | True | Planning Permission be refused | 14/12/2020 |
| 20/02567/DCH | 10/12/2020 | Howard   | DEMOLITION OF EXISTING SINGLE STOREY LEAN-TO EXTENSION AND CONSTRUCTION OF A NEW SINGLE STOREY REAR EXTENSION. WORKS REQUIRE GARAGE TO BE DEMOLISHED AND REBUILT TO MATCH EXISTING | 214 LAKE ROAD EAST, LAKESIDE, CARDIFF, CF23 5NR    | 32 | True | Planning Permission be refused | 11/01/2021 |

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| 20/01951/MJR | 30/09/2020 | Scimitar Homes (Cyncoed) Ltd | DISCHARGE OF CONDITION 7 (EXTERNAL FINISHING MATERIALS AND DETAILING) OF 18/03013/MJR | 8 CEFN COED ROAD, CYNCOED, CARDIFF, CF23 6AQ | 79 | False | Full Discharge of Condition | 18/12/2020 |
|--------------|------------|------------------------------|---|--|----|-------|-----------------------------|------------|

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|--------------|------------|--------|--|--|----|-------|--------------------------------|------------|
| 20/01895/MNR | 23/09/2020 | Davies | CONSTRUCTION OF 2NO. RESIDENTIAL FLATS | PART OF LAND AT 1 LAKE VIEW CLOSE, LAKESIDE, CARDIFF, CF23 6DU | 83 | False | Planning Permission be refused | 15/12/2020 |
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| 20/01872/DCH | 22/09/2020 | Norton | SINGLE STOREY REAR EXTENSION AND DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A DETACHED UTILITY/STORE | 9 LLYSWEN ROAD, CYNCOED, CARDIFF, CF23 6NG | 112 | False | Permission be granted | 12/01/2021 |
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| PRAP/20/00049/MNR | 10/10/2020 | Telefonica UK Limited<br>(on behalf of<br>Cornerstone) | 20M MONOPOLE 6NO. ANTENNAS<br>2NO. MICROWAVE DISHES 1NO.<br>EQUIPMENT CABINET | JUNCTION OF RHYD Y<br>PENAU ROAD AND<br>LLANDENNIS ROAD,<br>CYNCOED, CARDIFF | 55 | True | No Prior<br>Approval<br>required            | 17/12/2020 |
| 20/02560/MNR      | 10/12/2020 | Dai  | DISCHARGE OF CONDITION 8<br>(EXTERNAL FINISHING MATERIALS)<br>OF 19/00626/MNR | 90 RHYD Y PENAU ROAD,<br>CYNCOED, CARDIFF,<br>CF23 6PW                       | 32 | True | Partial<br>Discharge<br>of Condition<br>(s) | 11/01/2021 |

## ELY

| <u>Application<br/>Number</u> | <u>Registered</u> | <u>Applicant Name</u>                  | <u>Proposal</u>  | <u>Location</u>   | <u>Days taken<br/>to decision</u> | <u>8 Week<br/>target<br/>Achieved?</u> | <u>Decision</u>          | <u>Decision Date</u> |
|-------------------------------|-------------------|--|--|---|-----------------------------------|--|--------------------------|----------------------|
| 20/02683/DCH                  | 30/12/2020        | Huotari-Francis                        | HIP TO GABLE ROOF EXTENSION<br>WITH DORMER EXTENSION   | 330 COWBRIDGE ROAD<br>WEST, ELY, CARDIFF,<br>CF5 5BY                  | 15                                | True                                   | Permission<br>be granted | 14/01/2021           |
| 20/01824/MNR                  | 01/10/2020        | CDS (Superstores<br>International) Ltd | ERECTION OF TWO SPRINKLER<br>TANKS AND PUMP HOUSE FOR USE<br>IN CONNECTION WITH THE STORE'S<br>FIRE CONTROL SYSTEM | UNITS A AND B, WENVOE<br>PARK, PATREANE WAY,<br>ELY, CARDIFF, CF5 4UG | 78                                | False                                  | Permission<br>be granted | 18/12/2020           |
| 20/02348/MNR                  | 12/11/2020        | Wong                                   | CHANGE OF USE OF VACANT SHOP<br>TO A3 USE CLASS FOR USE AS A<br>CAFE   | 128A COWBRIDGE ROAD<br>WEST, ELY, CARDIFF,<br>CF5 5BT                 | 36                                | True                                   | Permission<br>be granted | 18/12/2020           |

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|--------------|------------|-------|---|--------------------------------------|----|------|--------------------------------|------------|
| 20/02112/MNR | 27/10/2020 | Nobes | CONVERSION OF GROUND FLOOR OF FORMER CHAPEL FROM A STORAGE FACILITY INTO A RESIDENTIAL UNIT AND ADD A SMALL GROUND FLOOR EXTENSION IN THE REAR ENCLOSED COURTYARD AREA WITH SOME EXTERNAL ALTERATIONS | 38A MILL ROAD, ELY, CARDIFF, CF5 4AG | 38 | True | Planning Permission be refused | 04/12/2020 |
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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                                    | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02230/DCH              | 03/11/2020        | Masters               | REAR DORMER ROOF EXTENSION AND REMOVAL OF EXISTING CHIMNEY  | 77 ASHCROFT CRESCENT, PENTREBANE, CARDIFF, CF5 3RL | 42                            | True                           | Permission be granted | 15/12/2020           |
| 20/01900/DCH              | 30/09/2020        | Dimmick               | DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION A TWO STOREY EXTENSION AND GABLE END ROOF EXTENSION WITH REAR DORMER EXTENSIONS                                  | 60 ASHCROFT CRESCENT, PENTREBANE, CARDIFF, CF5 3RP | 65                            | False                          | Permission be granted | 04/12/2020           |
| 20/02191/DCH              | 03/11/2020        | Page                  | REAR TWO STOREY EXTENSION TOGETHER WITH SINGLE STOREY REAR EXTENSION  | 45 ST FAGANS ROAD, FAIRWATER, CARDIFF, CF5 3AD     | 45                            | True                           | Permission be granted | 18/12/2020           |
| 20/02430/DCH              | 27/11/2020        | Wills                 | REAR SINGLE STOREY EXTENSION WITH GABLE END ROOF  | 1 FAIRWOOD ROAD, FAIRWATER, CARDIFF, CF5 3QF       | 45                            | True                           | Permission be granted | 11/01/2021           |
| 20/01704/DCH              | 27/10/2020        | Williams              | DEMOLITION OF EXISTING REAR SINGLE STOREY EXTENSION AND GARAGE AND CONSTRUCTION OF NEW SINGLE STOREY EXTENSION AND HIP TO GABLE LOFT EXTENSION WITH REAR DORMER | 28 LLANGYNIDR ROAD, FAIRWATER, CARDIFF, CF5 3BS    | 69                            | False                          | Permission be granted | 04/01/2021           |
| 20/01788/DCH              | 08/09/2020        | Taylor                | EXTENSION AND RESURFACING OF EXISTING DRIVEWAY  | 14 FAIRWOOD ROAD, FAIRWATER, CARDIFF, CF5 3QJ      | 126                           | False                          | Permission be granted | 12/01/2021           |

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|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02603/MJR              | 17/12/2020        | Redrow Homes          | MINOR AMENDMENT TO THE MATERIALS PLAN AND HOUSE TYPE PACK OF RESERVED MATTERS APPROVAL 19/00435/MJR FOR THE DEVELOPMENT OF 58 DWELLINGS PURSUANT TO OUTLINE PERMISSION 14/02157/MJR | PART 1 OF PHASE 2B, LAND NORTH AND SOUTH OF LLANTRISANT ROAD, NORTH WEST CARDIFF | 5                             | True                           | Permission be granted | 22/12/2020           |
| 20/02607/MJR              | 17/12/2020        | Redrow Homes          | MINOR AMENDMENT TO THE MATERIALS PLAN AND HOUSE TYPE PACK OF RESERVED MATTERS APPROVAL 18/01184/MJR FOR THE DEVELOPMENT OF 71 DWELLINGS PURSUANT TO OUTLINE PERMISSION 14/02157/MJR | PART 1 OF PHASE 2A, SOUTH OF LLANTRISANT ROAD, NORTH WEST CARDIFF                | 5                             | True                           | Permission be granted | 22/12/2020           |

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|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|---------------------------|----------------------|
| PRAP/20/00057/MJR         | 17/12/2020        | Cardiff Council       | DEMOLITION OF 1NO. SINGLE STOREY, DOUBLE HEIGHT BRICK BUILT BUILDING WITH A COMBINATION OF TILED PITCHED ROOF AND FLAT ROOFS AND 1NO. RESIDENTIAL BUNGALOW WITH TILED, PITCHED ROOF | FAIRWATER SOCIAL & ATHLETIC CLUB, PLAS MAWR ROAD AND THE BUNGALOW, 51 FERRIER AVENUE, FAIRWATER, CARDIFF | 5                             | True                           | Prior Approval be granted | 22/12/2020           |

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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                                | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/01537/DCH              | 16/10/2020        | Morfey                | ALTERATIONS TO GARDEN SHED/GARAGE INCLUDING INCREASING HEIGHT OF EXISTING STRUCTURE | 43 HEATHFIELD ROAD, GABALFA, CARDIFF, CF14 3JX | 49                            | True                           | Permission be granted | 04/12/2020           |

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|--------------|------------|---------|---|---|----|------|--------------------------------|------------|
| 20/02204/DCH | 27/10/2020 | Bridges | REAR SINGLE STOREY EXTENSION WITH SIDE RETURN | 15 QUENTIN STREET, GABALFA, CARDIFF, CF14 3JW           | 45 | True | Permission be granted          | 11/12/2020 |
| 20/02073/DCH | 21/10/2020 | Rafique | GROUND FLOOR REAR EXTENSION                   | FLAT 2, 232 WHITCHURCH ROAD, GABALFA, CARDIFF, CF14 3ND | 47 | True | Planning Permission be refused | 07/12/2020 |

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| 20/02557/MJR | 10/12/2020 | Strathclyde Pension Fund | UPGRADING AND OVER SHEETING OF EXISTING FACADE, WIDENING OF CONSENTED FIRE ESCAPE DOOR TO REAR, AND INTRODUCTION OF INTAKE AND EXTRACT LOUVRES AT HIGH LEVEL TO THE SOUTH (REAR) AND EAST (SIDE A) ELEVATIONS - PREVIOUSLY APPROVED UNDER 19/02200/MJR | UNIT A, EXCELSIOR ROAD, GABALFA, CARDIFF, CF14 3AT | 27 | True | Permission be granted | 06/01/2021 |
|--------------|------------|--------------------------|--|--|----|------|-----------------------|------------|

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|--------------|------------|-------------------|--|---|-----|-------|--------------------------------|------------|
| 20/02366/MNR | 17/11/2020 | DMAC PROPERTY LTD | VARIATION OF CONDITION 2 OF 20/00769/MNR TO SUBSTITUTE APPROVED PLANS                                  | 22 LLANISHEN STREET, GABALFA, CARDIFF, CF14 3QE | 55  | True  | Permission be granted          | 11/01/2021 |
| 20/02252/MNR | 02/11/2020 | Wickens           | VARIATION OF CONDITION 2 OF 18/01936/MNR TO SUBSTITUTE APPROVED PLANS                                  | 195-197 NORTH ROAD, MAINDY, CARDIFF, CF14 3AG   | 74  | False | Permission be granted          | 15/01/2021 |
| 20/01069/MNR | 16/06/2020 | BANCROFT          | CONVERSION TO 4 FLATS WITH REAR GROUND & FIRST FLOOR EXTENSION PLUS HIP TO GABLE DORMER LOFT EXTENSION | 3 MARGAM ROAD, MYNACHDY, CARDIFF, CF14 3EH      | 185 | False | Planning Permission be refused | 18/12/2020 |
| 20/01822/MNR | 11/09/2020 | Loizos            | VARIATION OF CONDITION 2 OF 17/00832/MNR TO ALLOW THE PREMISES TO BE USED AS A CAFE AND RESTAURANT     | 138 WHITCHURCH ROAD, GABALFA, CARDIFF, CF14 3LZ | 96  | False | Permission be granted          | 16/12/2020 |

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|---------------------------|-------------------|-----------------------|---|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02130/DCH              | 21/10/2020        | Criddle               | CONSTRUCTION OF SINGLE STOREY REAR EXTENSION  | 8 YSTRAD STREET, GRANGETOWN, CARDIFF, CF11 7AH      | 44                            | True                           | Permission be granted | 04/12/2020           |
| 20/01696/DCH              | 04/09/2020        | Mitias                | SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER                     | 27 MARDY STREET, GRANGETOWN, CARDIFF, CF11 6QU      | 97                            | False                          | Permission be granted | 10/12/2020           |
| 20/02519/DCH              | 07/12/2020        | Hess                  | CONSTRUCTION OF A REAR SINGLE STOREY EXTENSION  | 169 CORPORATION ROAD, GRANGETOWN, CARDIFF, CF11 7AS | 4                             | True                           | Permission be granted | 11/12/2020           |
| 20/02261/DCH              | 11/11/2020        | Farhad                | PROPOSED HIP TO GABLE ROOF EXTENSION WITH REAR DORMER EXTENSION                         | 17 AVONDALE ROAD, GRANGETOWN, CARDIFF, CF11 7DT     | 26                            | True                           | Permission be granted | 07/12/2020           |
| 20/02290/DCH              | 10/11/2020        | Hirani                | REAR SINGLE STOREY INFILL EXTENSION BETWEEN 33 AND 35 DINAS STREET AND ASSOCIATED WORKS | 33-35 DINAS STREET, GRANGETOWN, CARDIFF, CF11 6QZ   | 30                            | True                           | Permission be granted | 10/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>    | <u>Proposal</u>  | <u>Location</u>                                 | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>             | <u>Decision Date</u> |
|---------------------------|-------------------|--------------------------|--|---|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/01015/MJR              | 08/06/2020        | Figurehead Homes Limited | PARTIAL DISCHARGE OF CONDITION 7 (VERIFICATION REPORT) OF 12/00937/DCI | CARDIFF POINTE, FERRY ROAD, GRANGETOWN, CARDIFF | 178                           | False                          | Full Discharge of Condition | 03/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
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|----------------|------------|---------------------------------|---|---|-----|-------|--------------------------------|------------|
| A/20/00061/MNR | 24/09/2020 | Jenkins                         | DOUBLE SIDED POST MOUNTED LED ADVERTISING SCREEN  | LAND AT UNIT 4, HADFIELD COURT, HADFIELD ROAD, LECKWITH, CARDIFF, CF11 8AQ          | 84  | False | Planning Permission be refused | 17/12/2020 |
| A/20/00067/MNR | 07/10/2020 | The Marine & Property Group Ltd | 1NO. FOLDED METAL CASSETTE PANEL ADVERTISEMENT TO WEST ELEVATION  | CARDIFF MARINE VILLAGE, PENARTH ROAD, LECKWITH, CARDIFF, CF11 8TU                   | 75  | False | Permission be granted          | 21/12/2020 |
| 20/02012/MNR   | 07/10/2020 | The Marine & Property Group Ltd | CONSTRUCTION OF A SINGLE STOREY BUILDING CONTAINING TWO FULLY ENCLOSED PAINT APPLICATION SPRAY BOOTHS, WITH AN EXTERNAL LPG GAS TANK FOR POWER AND ASSOCIATED SUSTAINABLE DRAINAGE FEATURES | CARDIFF MARINE VILLAGE, PENARTH ROAD, LECKWITH, CARDIFF, CF11 8TU                   | 72  | False | Permission be granted          | 18/12/2020 |
| 20/01964/MNR   | 02/10/2020 | ASDA Stores Ltd                 | INSTALLATION OF A NEW HOME SHOPPING CLICK & COLLECT DRIVE THRU CANOPY   | ASDA SUPERSTORE, CARDIFF BAY RETAIL PARK, FERRY ROAD, GRANGETOWN, CARDIFF, CF11 0JR | 69  | False | Permission be granted          | 10/12/2020 |
| A/20/00066/MNR | 02/10/2020 | ASDA Stores Ltd                 | NEW SIGNS   | ASDA SUPERSTORE, CARDIFF BAY RETAIL PARK, FERRY ROAD, GRANGETOWN, CARDIFF, CF11 0JR | 69  | False | Permission be granted          | 10/12/2020 |
| 20/01179/MNR   | 22/06/2020 | Caramella                       | CONVERSION OF SINGLE DWELLING INTO 4NO. SELF-CONTAINED FLATS WITH REAR DORMER EXTENSION AND SINGLE STOREY REAR EXTENSION  | 36 TAFF EMBANKMENT, GRANGETOWN, CARDIFF, CF11 7BE                                   | 176 | False | Permission be granted          | 15/12/2020 |
| 20/01405/MNR   | 27/07/2020 | Anwar                           | CHANGE OF USE OF BUILDING FROM GP SURGERY TO RESIDENTIAL USE. CREATION OF 4 NO SELF CONTAINED FLATS, WITH PRIVATE REAR GARDEN AREA AND GROUND FLOOR REAR EXTENSION AND ALTERATIONS          | 4-6 CORPORATION ROAD, GRANGETOWN, CARDIFF, CF11 7AT                                 | 140 | False | Permission be granted          | 14/12/2020 |

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| A/20/00071/MNR | 13/10/2020 | Ford                             | NEW SIGNS   | FORDTHORNE, 281<br>PENARTH ROAD,<br>LECKWITH, CARDIFF,<br>CF11 8YZ | 59 | False | Permission<br>be granted          | 11/12/2020 |
| 20/02619/MNR   | 16/12/2020 | Patel                            | DISCHARGE OF CONDITION 4<br>(EXTRACTION DETAILS) OF<br>19/02236/MNR   | UNIT 4, 162-168 PENARTH<br>ROAD, GRANGETOWN,<br>CARDIFF, CF11 6NJ  | 1  | True  | Full<br>Discharge<br>of Condition | 17/12/2020 |
| 20/02381/MNR   | 17/11/2020 | Stidworthy                       | TO REDUCE THE NORTH WEST<br>GABLE WINDOW OPENING AND<br>INCREASE HEIGHT - PREVIOUSLY<br>APPROVED UNDER 18/01680/MNR | 33A CHESTER STREET,<br>GRANGETOWN, CARDIFF,<br>CF11 6PY            | 35 | True  | Permission<br>be granted          | 22/12/2020 |
| A/20/00082/MNR | 19/11/2020 | AG Quidnet UK<br>Industrial 2 BV | NEW SIGNAGE   | UNIT 8, FREEMANS PARC,<br>PENARTH ROAD,<br>LECKWITH                | 25 | True  | Permission<br>be granted          | 14/12/2020 |

## HEAT

| <u>Application<br/>Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken<br/>to decision</u> | <u>8 Week<br/>target<br/>Achieved?</u> | <u>Decision</u>          | <u>Decision Date</u> |
|-------------------------------|-------------------|-----------------------|--|--|-----------------------------------|--|--------------------------|----------------------|
| 20/02134/DCH                  | 20/10/2020        | Sleat                 | HIP TO GABLE ROOF EXTENSION<br>WITH FRONT AND REAR DORMERS   | 87 KING GEORGE V<br>DRIVE NORTH, HEATH,<br>CARDIFF, CF14 4EG | 55                                | True                                   | Permission<br>be granted | 14/12/2020           |
| 20/02070/DCH                  | 14/10/2020        | davies                | DOUBLE STOREY SIDE EXTENSION<br>AND SINGLE STOREY REAR<br>EXTENSION  | 1 CEFN CARNAU ROAD,<br>HEATH, CARDIFF, CF14<br>4LZ           | 51                                | True                                   | Permission<br>be granted | 04/12/2020           |
| 20/01376/DCH                  | 20/07/2020        | Idowu                 | DEMOLITION OF EXISTING SINGLE<br>STOREY LEAN-TO REAR EXTENSION<br>AND EXISTING PART-ADJOINING<br>SINGLE SIDE GARAGE AND THE<br>ERECTION OF A DOUBLE STOREY<br>REAR EXTENSION AND SINGLE SIDE<br>GARAGE | 48 HEATH PARK AVENUE,<br>HEATH, CARDIFF, CF14<br>3RH         | 143                               | False                                  | Permission<br>be granted | 10/12/2020           |
| 20/02091/DCH                  | 14/10/2020        | Tyrrill               | TWO STOREY SIDE EXTENSION  | 97 PANTBACH ROAD,<br>BIRCHGROVE, CARDIFF,<br>CF14 1TX        | 54                                | True                                   | Permission<br>be granted | 07/12/2020           |



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|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|----------------------------|----------------------|
| 20/02242/DCH              | 04/11/2020        | Pandit                | PROPOSED SINGLE STOREY LEAN TO REAR EXTENSION AND DORMER LOFT CONVERSION (HIP TO GABLE)                              | 4 MAES-Y-COED ROAD, HEATH, CARDIFF, CF14 4HF         | 70                            | False                          | Permission be granted      | 13/01/2021           |
| 20/02441/DCH              | 25/11/2020        | HASSAN                | REAR SINGLE STOREY EXTENSION WITH ADDITIONAL REAR WINDOW TO FIRST FLOOR AND REMOVAL OF EXISTING BALCONY ROOF TO REAR | 9 HEATH PARK AVENUE, HEATH, CARDIFF, CF14 3RF        | 47                            | True                           | Permission be granted      | 11/01/2021           |
| 20/01810/DCH              | 14/09/2020        | Holmquist             | DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF REPLACEMENT GARAGE   | 12 ST GEORGES ROAD, HEATH, CARDIFF, CF14 4AQ         | 122                           | False                          | Permission be granted      | 14/01/2021           |
| 20/02274/DCH              | 04/11/2020        | Griffiths             | PROPOSED REAR/SIDE SINGLE STOREY EXTENSION   | 16 ST CADOC ROAD, HEATH, CARDIFF, CF14 4NE           | 30                            | True                           | Permission be granted      | 04/12/2020           |
| 20/02336/DCH              | 12/11/2020        | BREED                 | HIP TO GABLE DORMER LOFT CONVERSION AND INSTALLATION OF ROOF-LIGHTS  | 39 KYLE AVENUE, WHITCHURCH, CARDIFF, CF14 1SR        | 22                            | True                           | Permission be granted      | 04/12/2020           |
| 20/02370/DCH              | 16/11/2020        | Saunders              | SINGLE STOREY REAR EXTENSION WITH REMOVAL OF EXISTING UPVC CONSERVATORY  | 14 ST AUGUSTINE ROAD, HEATH, CARDIFF, CF14 4BD       | 21                            | True                           | Permission be granted      | 07/12/2020           |
| 20/02420/DCH              | 24/11/2020        | Gould                 | AMENDMENT TO FOOTPRINT OF EXTENSION BY REDUCING LENGTH - PREVIOUSLY APPROVED UNDER 19/02640/DCH                      | 57 ST AMBROSE ROAD, HEATH, CARDIFF, CF14 4BH         | 13                            | True                           | Permission be granted      | 07/12/2020           |
| 20/02473/DCH              | 30/11/2020        | Hibbs                 | SINGLE STOREY SIDE AND REAR WRAP EXTENSION WITH REMOVAL OF EXISTING REAR CONSERVATORY                                | 4 LON-Y-GROES, BIRCHGROVE, CARDIFF, CF14 4AB         | 7                             | True                           | Permission be granted      | 07/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                      | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>            | <u>Decision Date</u> |
| PRAP/20/00051/MNR         | 07/10/2020        | Hutchison 3G UK Ltd   | INSTALLATION OF MONOPOLE AND EQUIPMENT CABINETS  | LAND AT CAERPHILLY ROAD, BIRCHGROVE                  | 41                            | True                           | No Prior Approval required | 10/12/2020           |
| 19/01799/MNR              | 01/07/2019        | Bancroft              | TWO STOREY REAR EXTENSIONS AND ALTERATIONS INCLUDING DORMERS TO FACILITATE THE CREATION OF 16 APARTMENTS             | 82-88 CAERPHILLY ROAD, BIRCHGROVE, CARDIFF, CF14 4AG | 536                           | False                          | Permission be granted      | 18/12/2020           |

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|----------------|------------|-------------------|---|--|----|------|--------------------------------|------------|
| 20/02027/MNR   | 13/10/2020 | BUTLER            | CHANGE OF USE OF ATTACHED GARAGE AND STORAGE AREA INTO A ONE BED FLAT WITH EXTERNAL ALTERATIONS | 201 HEATHWOOD ROAD, HEATH, CARDIFF, CF14 4BN                 | 52 | True | Planning Permission be refused | 04/12/2020 |
| A/20/00084/MNR | 19/11/2020 | Wates Residential | HOARDING ADVERTISEMENTS   | FORMER HIGHFIELDS CENTRE, 18 ALLENSBANK ROAD, HEATH, CARDIFF | 15 | True | Permission be granted          | 04/12/2020 |

## LISV

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                                       | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01770/DCH              | 08/09/2020        | Parry                 | CONSTRUCTION OF DETACHED SINGLE STOREY HOME GYM/STORE IN REAR GARDEN  | 1 COTSWOLD AVENUE, LISVANE, CARDIFF, CF14 0TA         | 93                            | False                          | Planning Permission be refused | 10/12/2020           |
| 20/02084/DCH              | 21/10/2020        | Hulse                 | DEMOLITION OF EXISTING REAR EXTENSION AND REMOVAL OF CHIMNEY AND CONSTRUCTION OF A PART TWO STOREY PART SINGLE STOREY EXTENSION AND FRONT PORCH | 13 PLAS Y DELYN, LISVANE, CARDIFF, CF14 0SS           | 54                            | True                           | Permission be granted          | 14/12/2020           |
| 20/02052/DCH              | 13/10/2020        | Llewellyn             | PART GROUND AND FIRST FLOOR SIDE EXTENSION  | TAI MAWR FARM, RUDRY ROAD, LISVANE, CARDIFF, CF14 0SN | 65                            | False                          | Permission be granted          | 17/12/2020           |
| 20/02153/DCH              | 06/11/2020        | Engelhardt            | SINGLE STOREY DETACHED BUILDING WITH SPA FACILITIES ACCESSED VIA STAIRS FROM FIRST FLOOR OF MAIN RESIDENCE                                      | YELLOW WELLS, GRAIG ROAD, LISVANE, CARDIFF, CF14 0UF  | 69                            | False                          | Permission be granted          | 14/01/2021           |
| 20/02121/DCH              | 28/10/2020        | Prescott              | VARIATION OF CONDITION 2 OF 16/02798/DCH TO SUBSTITUTE APPROVED PLANS   | 60 HEOL Y DELYN, LISVANE, CARDIFF, CF14 0SR           | 47                            | True                           | Planning Permission be refused | 14/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                                       | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |

|              |            |              |   |  |    |      |                             |            |
|--------------|------------|--------------|---|--|----|------|-----------------------------|------------|
| 20/02119/MJR | 19/10/2020 | Redrow Homes | DISCHARGE OF CONDITION 2 (LANDSCAPING DESIGN AND IMPLEMENTATION) OF 19/02677/MJR  | PHASE 2B, CHURCHLANDS LAND NORTH AND EAST OF LISVANE, LISVANE, CARDIFF                       | 56 | True | Full Discharge of Condition | 14/12/2020 |
| 20/02120/MJR | 30/10/2020 | Redrow Homes | TO AMEND PLOTS 75 & 129 FROM WARWICK HOUSE TYPE TO STRATFORD, PLOTS 114 & 130: AMENDED FROM OXFORD HOUSE TYPE TO OXFORD Q, PLOT 128 REPOSITIONED AND PLOT 132 AMENDED FROM AMBERLEY TO SHAFTESBURY - PREVIOUSLY APPROVED UNDER 19/02053/MJR | PHASE 1B(II) & PHASE 1C(I), CHURCHLANDS LAND NORTH AND EAST OF LISVANE, MAERDY LANE, LISVANE | 52 | True | Permission be granted       | 21/12/2020 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>            | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|----------------------------|----------------------|
| PRNO/20/00012/MJR         | 23/12/2020        | Cardiff Council       | DEMOLITION OF 1NO. DETACHED SINGLE STOREY BRICK BUILT BUILDING | LISVANE CHANGING ROOMS, HEOL Y DELYN, LISVANE, CARDIFF, CF14 0SR | 19                            | True                           | No Prior Approval required | 11/01/2021           |

#### LLAN

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                 | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02308/DCH              | 11/11/2020        | Gleeson               | DOUBLE-STOREY SIDE EXTENSION AND SINGLE-STOREY EXTENSION TO FRONT AND REAR | 3 HEATHBROOK, LLANISHEN, CARDIFF, CF14 5FA      | 62                            | False                          | Permission be granted | 12/01/2021           |
| 20/02150/DCH              | 23/10/2020        | Husband               | TWO STOREY SIDE EXTENSION  | 52 OAKRIDGE, THORNHILL, CARDIFF, CF14 9BU       | 83                            | False                          | Permission be granted | 14/01/2021           |
| 20/02503/DCH              | 04/12/2020        | MORSE                 | TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION                 | 31 CHARLOCK CLOSE, THORNHILL, CARDIFF, CF14 9FF | 41                            | True                           | Permission be granted | 14/01/2021           |

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|--------------|------------|----------------|---|--|----|-------|-----------------------|------------|
| 20/02264/DCH | 05/11/2020 | Markall        | SINGLE STOREY REAR EXTENSION, HIP TO GABLE ROOF EXTENSION WITH REAR DORMER EXTENSION                      | 30 SOLVA AVENUE, LLANISHEN, CARDIFF, CF14 0NP  | 43 | True  | Permission be granted | 18/12/2020 |
| 20/02161/DCH | 27/10/2020 | Wynford-Thomas | TWO STOREY SIDE & GROUND FLOOR REAR EXTENSION WITH FRONT PORCH  | 30 THE RISE, LLANISHEN, CARDIFF, CF14 0RD      | 51 | True  | Permission be granted | 17/12/2020 |
| 20/02291/DCH | 06/11/2020 | Brown          | TWO STOREY SIDE EXTENSION   | 15 ROUNDEL CLOSE, THORNHILL, CARDIFF, CF14 9ES | 76 | False | Permission be granted | 21/01/2021 |
| 20/02559/DCH | 14/12/2020 | Kaye           | REMOVAL OF EXISTING CONSERVATORY AND CONSTRUCTION OF A SINGLE STOREY REAR EXTENSION WITH ASSOCIATED WORKS | 47 GARRICK DRIVE, THORNHILL, CARDIFF, CF14 9BH | 35 | True  | Permission be granted | 18/01/2021 |
| 20/02255/DCH | 05/11/2020 | Wasiulewski    | PROPOSED SINGLE STOREY REAR FLAT ROOF EXTENSION   | 99 LLANON ROAD, LLANISHEN, CARDIFF, CF14 5AH   | 28 | True  | Permission be granted | 03/12/2020 |
| 20/02595/DCH | 16/12/2020 | Jenkins        | SINGLE STOREY REAR AND SIDE EXTENSIONS  | 18 MILL ROAD, LISVANE, CARDIFF, CF14 0XB       | 26 | True  | Permission be granted | 11/01/2021 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                            | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>             | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/02219/MJR              | 29/10/2020        | Hale Construction     | DISCHARGE OF CONDITION 6 (HARD AND SOFT LANDSCAPING WORKS) OF 18/0246/MJR | LAND AT CHILTERN CLOSE, LLANISHEN, CARDIFF | 69                            | False                          | Full Discharge of Condition | 06/01/2021           |

#### LLDF

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
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| 20/01447/DCH | 29/07/2020 | O'Neill | DEMOLITION OF EXISTING LEAN-TO EXTENSION AND THE CONSTRUCTION OF A REAR GROUND FLOOR EXTENSION AND REAR DORMERS LOFT EXTENSION | 8 PALACE ROAD, LLANDAFF, CARDIFF, CF5 2AF              | 134 | False | Permission be granted | 10/12/2020 |
| 20/01798/DCH | 05/10/2020 | Thomas  | REPLACEMENT OF ALL EXISTING WINDOWS AND DOORS WITH NEW UPVC  | 4 MITRE COURT, MITRE PLACE, LLANDAFF, CARDIFF, CF5 2EZ | 74  | False | Permission be granted | 18/12/2020 |
| 20/00501/DCH | 03/03/2020 | Clarke  | REMOVAL OF EXISTING TIMBER DECKING AND REPLACE WITH STEEL SUPPORTED BLOCK & BEAM PATIO DECKING                                 | 3 FORDWELL, LLANDAFF, CARDIFF, CF5 2EU                 | 317 | False | Permission be granted | 14/01/2021 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                              | <u>Proposal</u>                           | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>            | <u>Decision Date</u> |
|---------------------------|-------------------|--|---|--|-------------------------------|--------------------------------|----------------------------|----------------------|
| 20/02165/MNR              | 23/10/2020        | FORDHAM  | PROPOSED ERECTION OF A NEW DWELLING HOUSE | LAND ADJACENT TO 26 HEOL URBAN, DANESCOURT, CARDIFF, CF5 2QP | 84                            | False                          | Permission be granted      | 15/01/2021           |
| PRAP/20/00054/MNR         | 06/11/2020        | Mobile Broadband Network Limited (MBNL) and EE Ltd | PROPOSED INSTALLATION OF 1 NO CABINET     | COMMUNICATION STATION , WESTERN AVENUE, LLANDAFF, CARDIFF    | 40                            | True                           | No Prior Approval required | 16/12/2020           |

#### LLDN

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                       | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02468/DCH              | 01/12/2020        | Williams              | GROUND FLOOR REAR EXTENSION  | 65 STATION ROAD, LLANDAFF NORTH, CARDIFF, CF14 2FB    | 42                            | True                           | Permission be granted | 12/01/2021           |
| 20/01352/DCH              | 16/07/2020        | Pahl                  | REAR SINGLE STOREY WRAP-AROUND EXTENSION AND FIRST FLOOR EXTENSION | 16 HAZELHURST ROAD, LLANDAFF NORTH, CARDIFF, CF14 2FX | 155                           | False                          | Permission be granted | 18/12/2020           |

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|--------------|------------|---------|------------------------------|--|---|------|--------------------------|------------|
| 20/02461/DCH | 30/11/2020 | Andrews | SINGLE STOREY REAR EXTENSION | 62 STATION ROAD,<br>LLANDAFF NORTH,<br>CARDIFF, CF14 2FG | 7 | True | Permission<br>be granted | 07/12/2020 |
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| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
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| 20/02353/MNR | 19/11/2020 | James | PROPOSED CONSTRUCTION OF A DETACHED DWELLING | LAND AT 145 ABERPORTH ROAD, LLANDAFF NORTH, CARDIFF, CF14 2PR | 55 | True | Planning<br>Permission<br>be refused | 13/01/2021 |
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#### LLRU

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
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| 20/01931/DCH | 01/10/2020 | Lewis | SINGLE STOREY SIDE EXTENSION, DOUBLE AND SINGLE STOREY REAR EXTENSION AND GABLE END EXTENSION | 33 CLOVELLY CRESCENT, LLANRUMNEY, CARDIFF, CF3 4JR | 70 | False | Permission<br>be granted | 10/12/2020 |
|--------------|------------|-------|---|--|----|-------|--------------------------|------------|

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|--------------|------------|----------|--|---|----|------|--------------------------|------------|
| 20/02360/DCH | 16/11/2020 | Gonzalez | SINGLE STOREY SIDE EXTENSION, WITH REAR SEMI-SHELTERED PERGOLA STRUCTURE | 38 ELGAR CRESCENT, LLANRUMNEY, CARDIFF, CF3 5RU | 21 | True | Permission<br>be granted | 07/12/2020 |
|--------------|------------|----------|--|---|----|------|--------------------------|------------|

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|--------------|------------|---------|------------------------------|--|----|------|--------------------------|------------|
| 20/02359/DCH | 12/11/2020 | Skrines | SINGLE STOREY REAR EXTENSION | 140 BURNHAM AVENUE, LLANRUMNEY, CARDIFF, CF3 5QT | 36 | True | Permission<br>be granted | 18/12/2020 |
|--------------|------------|---------|------------------------------|--|----|------|--------------------------|------------|

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
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|--------------|------------|---------|---|--|----|-------|--------------------------|------------|
| 20/02311/MNR | 10/11/2020 | PARSONS | ERECTION OF DETACHED DWELLING WITH ASSOCIATED WORKS | LAND ADJACENT TO 46 ARLINGTON CRESCENT, LLANRUMNEY | 62 | False | Permission<br>be granted | 11/01/2021 |
|--------------|------------|---------|---|--|----|-------|--------------------------|------------|

**PENT**

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>                         | <u>Location</u>                          | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02104/DCH              | 19/10/2020        | FERGUSSON             | SINGLE AND DOUBLE STOREY REAR EXTENSION | 72 PANT GLAS, PENTWYN, CARDIFF, CF23 7EW | 56                            | True                           | Permission be granted | 14/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>             | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/01876/MJR              | 18/09/2020        | Jehu Group            | DISCHARGE OF CONDITIONS 20 (CONTAMINATION), 21 (REMEDIATION SCHEME AND VERIFICATION PLAN) AND 22 (REMEDIATION SCHEME COMPLIANCE) OF 15/03158/MJR | LLANEDEYRN SHOPPING CENTRE, MAELFA, LLANEDEYRN | 74                            | False                          | Full Discharge of Condition | 01/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02234/MNR              | 29/10/2020        | Cardiff Council       | CONSTRUCTION OF WASTE BIN STORAGE WITH METAL LOCKABLE GATES  | CHAPEL WOOD 1-36, CHAPEL WOOD, LLANEDEYR, CARDIFF                                  | 55                            | True                           | Permission be granted | 23/12/2020           |
| 20/02202/MNR              | 02/11/2020        | LONGHOURS LTD         | RETAIN DUCTING TO PLANT ROOMS TO EXTRACT WARM AIR  | GROUND FLOOR COMMERCIAL UNIT 1, LEWIS COURT, MAELFA, LLANEDEYRN, CARDIFF, CF23 9PL | 49                            | True                           | Permission be granted | 21/12/2020           |
| 20/02137/MNR              | 23/10/2020        | Hopwood Pharmacy      | REPLACEMENT OF EXISTING WINDOW PANE TO THE FRONT ELEVATION IN ORDER TO INSTALL AN AUTOMATED PRESCRIPTION DISPENSER MACHINE | GROUND FLOOR COMMERCIAL UNIT 2, LEWIS COURT, MAELFA, LLANEDEYRN, CARDIFF, CF23 9PL | 56                            | True                           | Permission be granted | 18/12/2020           |

**PENY**

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>             | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/01953/DCH              | 01/10/2020        | Pritchard             | SINGLE STOREY SIDE AND FRONT EXTENSION AND CONVERSION OF GARAGE TO HABITABLE ROOM                        | 44 BARON'S COURT ROAD, PENYLAN, CARDIFF, CF23 9DG              | 71                            | False                          | Permission be granted       | 11/12/2020           |
| 20/02233/DCH              | 29/10/2020        | Vaughan               | SINGLE AND DOUBLE STOREY SIDE EXTENSION  | 107 OAK WOOD AVENUE, PENYLAN, CARDIFF, CF23 9EZ                | 74                            | False                          | Permission be granted       | 11/01/2021           |
| 20/02025/DCH              | 23/10/2020        | Maunder               | DEMOLITION OF EXISTING EXTENSION AND CONSTRUCTION OF NEW SINGLE STOREY REAR EXTENSION                    | 8 ST MARGARET'S CRESCENT, ROATH, CARDIFF, CF23 5AU             | 49                            | True                           | Permission be granted       | 11/12/2020           |
| 20/02046/DCH              | 09/10/2020        | Harkin                | DEMOLITION OF EXISTING CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION                     | 22 MELROSE GARDENS, MELROSE AVENUE, PENYLAN, CARDIFF, CF23 9BA | 63                            | False                          | Permission be granted       | 11/12/2020           |
| 20/02142/DCH              | 22/10/2020        | Jones                 | SINGLE STOREY REAR EXTENSION, REAR DORMER ROOF EXTENSION AND NEW JULIET BALCONY TO REAR FIRST FLOOR AREA | 7 GRENVILLE ROAD, ROATH, CARDIFF, CF23 5BP                     | 49                            | True                           | Permission be granted       | 10/12/2020           |
| 20/01769/DCH              | 08/09/2020        | Yee Wai Lim           | DOUBLE STOREY REAR EXTENSION   | 13 SCHOLARS DRIVE, PENYLAN, CARDIFF, CF23 9FE                  | 93                            | False                          | Permission be granted       | 10/12/2020           |
| 20/02071/DCH              | 13/10/2020        | Hook                  | SINGLE STOREY SIDE AND REAR EXTENSION  | 16 EARL'S COURT ROAD, PENYLAN, CARDIFF, CF23 9DD               | 55                            | True                           | Permission be granted       | 07/12/2020           |
| 20/02048/DCH              | 20/10/2020        | Sharratt              | DISCHARGE OF CONDITION 3 (FINISHING MATERIALS) OF 20/01391/DCH   | 17 WATERLOO ROAD, ROATH, CARDIFF, CF23 5AD                     | 44                            | True                           | Full Discharge of Condition | 03/12/2020           |
| 20/02418/DCH              | 01/12/2020        | Kennedy               | SINGLE STOREY SIDE EXTENSION   | 35 SOUTHMINSTER ROAD, ROATH, CARDIFF, CF23 5AT                 | 16                            | True                           | Permission be granted       | 17/12/2020           |



| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                        | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>            | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|----------------------------|----------------------|
| PRAP/20/00047/MW          | 10/10/2020        | HUTCHISON 3G UK LTD   | PROPOSED TELECOMMUNICATIONS INSTALLATION: PROPOSED 20M PHASE 8 MONOPOLE C/W WRAPROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS | LAND AT NEWPORT ROAD, PENYLAN, CARDIFF | 43                            | True                           | No Prior Approval required | 01/12/2020           |

#### PLAS

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                 | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01727/DCH              | 01/09/2020        | QUERESHI              | REVISED PROPOSAL FOR CONVERSION OF EXISTING OUTBUILDING TO GYM & GAMES ROOM                | 129 INVERNESS PLACE, ROATH, CARDIFF, CF24 4RW   | 134                           | False                          | Permission be granted          | 13/01/2021           |
| 20/02108/DCH              | 22/10/2020        | Challans              | REPLACEMENT OF EXISTING SINGLE GLAZED WINDOWS TO THE TOP FLOOR FLAT WITH TIMBER WINDOWS    | FLAT D, 6 NINIAN ROAD, ROATH, CARDIFF, CF23 5EE | 61                            | False                          | Permission be granted          | 22/12/2020           |
| 20/02141/DCH              | 21/10/2020        | Heathfield            | INSTALL NEW WOODEN DOUBLE GLAZED SASH WINDOWS TO MATCH EXISTING WINDOWS TO FRONT ELEVATION | 26 SHIRLEY ROAD, ROATH, CARDIFF, CF23 5HN       | 62                            | False                          | Permission be granted          | 22/12/2020           |
| 20/01877/DCH              | 22/09/2020        | SHAW                  | GABLE END AND REAR DORMER ROOF EXTENSION AND ALTERATIONS TO EXISTING FRONT DORMER          | 70 ANGUS STREET, ROATH, CARDIFF, CF24 3LX       | 87                            | False                          | Planning Permission be refused | 18/12/2020           |
| 20/01771/DCH              | 08/09/2020        | James                 | SINGLE STOREY SIDE EXTENSION   | 14 MONTGOMERY STREET, ROATH, CARDIFF, CF24 3LZ  | 84                            | False                          | Permission be granted          | 01/12/2020           |

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|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/01633/MJR              | 21/08/2020        | Linc Cymru            | DISCHARGE OF CONDITIONS 13 (CONSTRUCTION MANAGEMENT PLAN) AND 14 (DRAINAGE PLAN) OF 19/03194/MJR | 48-54 CITY ROAD, ROATH, CARDIFF, CF24 3DN | 124                           | False                          | Full Discharge of Condition | 23/12/2020           |

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|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02166/MNR              | 02/11/2020        | SALMAN                | CHANGE OF USE OF GROUND FLOOR FROM A1 HAIRDRESSER TO AN A3 RESTAURANT AND TAKE AWAY AND PROVISION OF EXTRACTION SYSTEM | 238 CITY ROAD, ROATH, CARDIFF, CF24 3JJ       | 43                            | True                           | Permission be granted          | 15/12/2020           |
| 20/02059/MNR              | 20/10/2020        | c/o Agent             | DEVELOPMENT OF A SURFACE LEVEL CAR PARK FOR A TEMPORARY PERIOD AND ALL ASSOCIATED WORKS                                | 195-197 CITY ROAD, ROATH, CARDIFF, CF24 3JB   | 56                            | True                           | Planning Permission be refused | 15/12/2020           |
| 20/02072/MNR              | 30/10/2020        | Bointon               | RETENTION OF 4 BEDROOM C4 HOUSE IN MULTIPLE OCCUPATION   | 54 BEDFORD STREET, ROATH, CARDIFF, CF24 3DB   | 47                            | True                           | Planning Permission be refused | 16/12/2020           |
| 20/01588/MNR              | 17/08/2020        | Kissick               | CHANGE OF USE FROM C3 DWELLING HOUSE TO C4 HOUSE OF MULTIPLE OCCUPANCY   | 172 INVERNESS PLACE, ROATH, CARDIFF, CF24 4RX | 112                           | False                          | Planning Permission be refused | 07/12/2020           |
| 20/02034/MNR              | 16/10/2020        | REDI94 LTD            | CHANGE OF USE OF GARAGE INTO A TWO BED FLAT WITH EXTERNAL ALTERATIONS  | 9A CLIVE PLACE, ROATH, CARDIFF, CF24 3DY      | 55                            | True                           | Permission be granted          | 10/12/2020           |
| 20/01318/MNR              | 09/07/2020        | MC Saray Ltd          | CHANGE OF USE FROM A1 TO A3 COFFEE SHOP WITH NEW SHOP FRONTS AT FRONT AND REAR AND ALTERATIONS                         | 16C CRWYS ROAD, ROATH, CARDIFF, CF24 4NJ      | 151                           | False                          | Permission be granted          | 07/12/2020           |
| 20/02001/MNR              | 15/10/2020        | MCQUADE               | CONVERSION OF DWELLING TO 3NO. FLATS WITH REAR GROUND AND FIRST FLOOR EXTENSIONS AND DORMER LOFT EXTENSION             | 60 BEDFORD STREET, ROATH, CARDIFF, CF24 3DB   | 53                            | True                           | Permission be granted          | 07/12/2020           |

|                   |            |                    |  |   |     |       |                       |            |
|-------------------|------------|--------------------|--|---|-----|-------|-----------------------|------------|
| 20/01758/MNR      | 09/09/2020 | Parish             | TO ESTABLISH THE USE OF 3 ADDITIONAL FLATS CREATING 11 FLATS IN TOTAL  | 34 OAKFIELD STREET, ROATH                   | 103 | False | Permission be granted | 21/12/2020 |
| 20/02238/MNR      | 02/11/2020 | Piazza Estates Ltd | VARIATION OF CONDITION 1 TO ALTER OPENING HOURS, REMOVAL OF CONDITION 2 RELATING TO SHOP FRONT WINDOW DISPLAY, VARIATION OF CONDITION 4 TO ADD THE WORD 'AMENDING' IN RESPECT OF THE USE CLASSES ORDER AND AN ADDITIONAL CONDITION TO BE ADDED RELATING TO SEATING AT THE REAR IN RESPECT OF 08/00598/C (ALLOWED UNDER APPEAL APP/Z6815/A/08/20828040) | 43 WELLFIELD ROAD, ROATH, CARDIFF, CF24 3PA | 46  | True  | Permission be granted | 18/12/2020 |
| PRNO/20/00007/MNR | 24/07/2020 | Linc Cymru         | DEMOLITION OF FORMER "PLUMB CENTRE" BUILDING AND SITE CLEARANCE WORKS OF FORMER POET'S CORNER SITE   | 58-64 CITY ROAD, ROATH, CARDIFF, CF24 3DN   | 139 | False | Deemed Permission     | 10/12/2020 |
| 20/02237/MNR      | 29/10/2020 | Piazza Estates Ltd | VARIATION OF CONDITIONS 4 AND 5 TO REMOVE CLASS A1 AND D1 REQUIREMENT AND AMEND OPENING HOURS, AND REMOVAL OF CONDITION 7 REGARDING THE COOKING OF FOOD IN RESPECT OF APPLICATION 03/01154/C   | 85 ALBANY ROAD, ROATH, CARDIFF, CF24 3LP    | 36  | True  | Permission be granted | 04/12/2020 |
| 20/02003/MNR      | 12/11/2020 | JABIRY             | CONVERSION OF HOUSE TO 5 BEDROOM CLASS C4 HOUSE OF MULTIPLE OCCUPANCY WITH A REAR SINGLE STOREY EXTENSION  | 4 BEDFORD STREET, ROATH, CARDIFF, CF24 3BZ  | 35  | True  | Permission be granted | 17/12/2020 |

**PON**

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>              | <u>Location</u>                                   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|------------------------------|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02102/DCH              | 15/10/2020        | Eyal Caruba           | REAR SINGLE STOREY EXTENSION | 3 CLOS NANT MWLAN, PONTPRENNAU, CARDIFF, CF23 8NA | 88                            | False                          | Permission be granted | 11/01/2021           |

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|--------------|------------|----------------|--|--|----|-------|-----------------------|------------|
| 20/02355/DCH | 12/11/2020 | Green          | PROPOSED FIRST FLOOR EXTENSION WITH ANCILLARY WORKS      | 15 IDENCROFT CLOSE, PONTPRENNAU, CARDIFF, CF23 8PH           | 60 | False | Permission be granted | 11/01/2021 |
| 20/02143/DCH | 24/11/2020 | HUNT           | PROPOSED TWO STOREY SIDE AND REAR EXTENSION              | 13 RUPERRA CLOSE, OLD ST MELLONS, CARDIFF, CF3 6HX           | 55 | True  | Permission be granted | 18/01/2021 |
| 20/01734/DCH | 16/09/2020 | Porretta-White | RETENTION OF EXTENSION TO REAR OF EXISTING DOUBLE GARAGE | JASMIN COTTAGE, BEGAN ROAD, OLD ST MELLONS, CARDIFF, CF3 6XJ | 93 | False | Permission be granted | 18/12/2020 |
| 20/02160/DCH | 22/10/2020 | Weston         | ERECTION OF A SINGLE STOREY REAR EXTENSION               | 58 CORK DRIVE, PONTPRENNAU, CARDIFF, CF23 8PU                | 43 | True  | Permission be granted | 04/12/2020 |
| 20/02215/DCH | 27/10/2020 | Mr Saky        | ERECT CONSERVATORY TO REAR ELEVATION                     | 9 COTTINGHAM DRIVE, PONTPRENNAU, CARDIFF, CF23 8QG           | 45 | True  | Permission be granted | 11/12/2020 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>        | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>             | <u>Decision Date</u> |
|---------------------------|-------------------|------------------------------|--|--|-------------------------------|--------------------------------|-----------------------------|----------------------|
| 20/01905/MJR              | 23/09/2020        | Persimmon Homes (East Wales) | DISCHARGE OF CONDITION 6 (CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN) OF 19/03238/MJR  | PHASE 5, LAND EAST OF CHURCH ROAD AND NORTH AND SOUTH OF, BRIDGE ROAD, OLD ST MELLONS, CARDIFF | 96                            | False                          | Full Discharge of Condition | 28/12/2020           |
| 20/01674/MNR              | 21/09/2020        | Cass                         | CONSTRUCTION OF A SINGLE DWELLING, ON SITE PARKING, GARAGE AND PRIVATE AMENITY SPACE | LAND OPPOSITE ST EDERYN'S CHURCH, CHURCH ROAD, OLD ST MELLONS, CARDIFF, CF3 6YA                | 71                            | False                          | Permission be granted       | 01/12/2020           |

|              |            |             |   |   |    |       |                       |            |
|--------------|------------|-------------|---|---|----|-------|-----------------------|------------|
| 20/02281/MNR | 04/11/2020 | Case Morgan | VARIATION OF CONDITION 1 OF 17/00717/MNR TO SUBSTITUTE APPROVED PLANS AND ALLOW FOR MINOR MATERIAL AMENDMENTS TO THE DESIGN AND SITING OF THE DWELLINGS | HIGH TREES, DRUIDSTONE ROAD, OLD ST MELLONS, CARDIFF, CF3 6XD | 72 | False | Permission be granted | 15/01/2021 |
|--------------|------------|-------------|---|---|----|-------|-----------------------|------------|

#### RADY

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02320/DCH              | 10/11/2020        | Jenkins               | REAR SINGLE STOREY EXTENSION                                     | 5 CHAPEL ROAD, MORGANSTOWN, CARDIFF, CF15 8LL     | 65                            | False                          | Permission be granted | 14/01/2021           |
| 20/02216/DCH              | 02/11/2020        | Mrs Menna Gibbins     | 2 STOREY REAR INFILL EXTENSION AND CHANGE FLAT ROOF TO PITCHED   | 44 RAVENSBROOK, MORGANSTOWN, CARDIFF, CF15 8LT    | 35                            | True                           | Permission be granted | 07/12/2020           |
| 20/02218/DCH              | 28/10/2020        | Rahman                | SINGLE STOREY WRAP AROUND EXTENSION TO SIDE AND REAR OF PROPERTY | 15 HEOL SYR LEWIS, MORGANSTOWN, CARDIFF, CF15 8LE | 40                            | True                           | Permission be granted | 07/12/2020           |

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|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02395/MJR              | 30/11/2020        | Bellway Homes Limited | AMENDMENT TO PLANS DETAILED WITHIN CONDITION 1 TO HAND PLOTS 15 AND 18 IN ORDER TO ALLOW THE FIRST FLOOR BATHROOM TO HAVE A WINDOW - PREVIOUSLY APPROVED UNDER 18/01318/MJR | PHASE 1B, LAND NORTH OF LLANTRISANT ROAD, NORTH WEST CARDIFF | 14                            | True                           | Permission be granted | 14/12/2020           |

#### RHIW

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                      | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02075/DCH              | 20/10/2020        | Maxwell               | SINGLE STOREY LEAN TO GROUND FLOOR EXTENSION   | 134 HEOL LLANISHEN FACH, RHIWBINA, CARDIFF, CF14 6RG | 44                            | True                           | Permission be granted          | 03/12/2020           |
| 20/02040/DCH              | 08/10/2020        | Goodwin               | SINGLE STOREY SIDE EXTENSION AND FRONT PORCH   | 16 HEOL FFYNNON WEN, PANTMAWR, CARDIFF, CF14 7TP     | 64                            | False                          | Permission be granted          | 11/12/2020           |
| 20/01489/DCH              | 03/08/2020        | Osborne               | SINGLE STOREY REAR AND SIDE EXTENSIONS, PORCH, HIP TO GABLE ROOF EXTENSION AND REAR DORMER EXTENSION   | 11 LON GANOL, RHIWBINA, CARDIFF, CF14 6EB            | 133                           | False                          | Permission be granted          | 14/12/2020           |
| 20/00319/DCH              | 12/03/2020        | Jones                 | GROUND FLOOR REAR EXTENSION, PLUS FRONT & REAR DORMER LOFT EXTENSIONS AND ALTERATIONS (AMENDMENTS TO SCHEME APPROVED UNDER 19/02113/DCH - ALTERATIONS TO WINDOW WITHIN REAR DORMER AND INCREASE IN WIDTH OF SINGLE STOREY REAR EXTENSION | 9 CLOS YR WENALLT, RHIWBINA, CARDIFF, CF14 6TW       | 274                           | False                          | Permission be granted          | 11/12/2020           |
| 20/01820/DCH              | 11/09/2020        | Pike                  | SINGLE STOREY REAR AND SIDE EXTENSION  | 24 CAEDELYN ROAD, WHITCHURCH, CARDIFF, CF14 1BH      | 96                            | False                          | Permission be granted          | 16/12/2020           |
| 20/02023/DCH              | 08/10/2020        | Crocker               | SINGLE STOREY REAR EXTENSION AND FIRST FLOOR SIDE EXTENSION OVER EXISTING GARAGE   | 17 LON-YSGUBOR, RHIWBINA, CARDIFF, CF14 6SF          | 60                            | False                          | Permission be granted          | 07/12/2020           |
| 20/02135/DCH              | 23/10/2020        | Dineen                | SINGLE STOREY EXTENSION TO SIDE AND NEW FLAT ROOF OVER EXISTING KITCHEN AREA   | 2 LEAMINGTON ROAD, RHIWBINA, CARDIFF, CF14 6BX       | 42                            | True                           | Planning Permission be refused | 04/12/2020           |
| 20/02384/DCH              | 17/11/2020        | Jones                 | CONSTRUCTION OF A SINGLE STOREY OUTBUILDING IN REAR GARDEN   | 69 PEN-Y-DRE, RHIWBINA, CARDIFF, CF14 6EJ            | 57                            | False                          | Permission be granted          | 13/01/2021           |
| 20/02310/DCH              | 09/11/2020        | Jones                 | DEMOLITION CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION   | 3 MAES-Y-FELIN, RHIWBINA, CARDIFF, CF14 6BU          | 63                            | False                          | Permission be granted          | 11/01/2021           |

|                           |                   |                         |  |  |                               |                                |                                |                      |
|---------------------------|-------------------|-------------------------|--|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01743/DCH              | 07/09/2020        | Duckitt                 | HIP TO GABLE ROOF EXTENSION WITH DORMER EXTENSIONS TO THE FRONT AND REAR   | 11 GRON FFORDD, RHIWBINA, CARDIFF, CF14 6SJ                | 102                           | False                          | Permission be granted          | 18/12/2020           |
| 20/01664/DCH              | 24/08/2020        | Winslade                | CONSTRUCTION OF ATTACHED SINGLE STOREY DOMESTIC GARAGE   | 120 WENALLT ROAD, RHIWBINA, CARDIFF, CF14 6TP              | 116                           | False                          | Permission be granted          | 18/12/2020           |
| 20/02203/DCH              | 29/10/2020        | Prewett                 | REAR SINGLE STOREY EXTENSION   | 7 MIN-Y-NANT, RHIWBINA, CARDIFF, CF14 6JR                  | 55                            | True                           | Permission be granted          | 23/12/2020           |
| 20/02411/DCH              | 20/11/2020        | Wainwright              | FRONT GABLE ROOF EXTENSION   | 44 BEULAH ROAD, RHIWBINA, CARDIFF, CF14 6LX                | 56                            | True                           | Planning Permission be refused | 15/01/2021           |
| 20/02151/DCH              | 22/10/2020        | RANDALL                 | PROPOSED SINGLE STOREY EXTENSION TO REAR OF PROPERTY WITH NEW CANOPY TO THE REAR   | 35 LON-Y-DAIL, RHIWBINA, CARDIFF, CF14 6EA                 | 40                            | True                           | Permission be granted          | 01/12/2020           |
| 20/02556/DCH              | 11/12/2020        | Brown                   | CONSTRUCTION OF A REAR DORMER ROOF EXTENSION, REAR SINGLE STOREY EXTENSION AND SIDE GARAGE                                   | 19 CHARLOTTE SQUARE, RHIWBINA, CARDIFF, CF14 6ND           | 38                            | True                           | Permission be granted          | 18/01/2021           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>   | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
| 20/02074/MNR              | 22/10/2020        | Britton                 | PROPOSAL FOR TWO DWELLING UNITS TO BE PUT BACK AS A 5 BED SINGLE DWELLING HOUSE  | 389 AND 389A CAERPHILLY ROAD, RHIWBINA, CARDIFF, CF14 4SH  | 56                            | True                           | Permission be granted          | 17/12/2020           |
| 20/02062/MNR              | 20/10/2020        | Mark Anthony Properties | TWO STOREY EXTENSION AND GABLE END WITH DORMER ROOF EXTENSION TO EXISTING PROPERTY AND CONSTRUCTION OF ATTACHED NEW DWELLING | SWN YR AWEL, 64 RHIWBINA HILL, RHIWBINA, CARDIFF, CF14 6UF | 52                            | True                           | Planning Permission be refused | 11/12/2020           |

|              |            |      |   |  |    |      |                                |            |
|--------------|------------|------|---|--|----|------|--------------------------------|------------|
| 20/02454/MNR | 26/11/2020 | cole | ORIGINALLY BUILT AS A 2 BEDROOM FLAT THEN USED AS A DENTIST SURGERY NOW RETURNED TO A 2 BEDROOM FLAT ABOVE A1 USE | THORNHILL ROAD DENTAL SURGERY, 9 THORNHILL ROAD, RHIWBINA, CARDIFF, CF14 6PD | 15 | True | Planning Permission be refused | 11/12/2020 |
|--------------|------------|------|---|--|----|------|--------------------------------|------------|

## RIVE

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                      | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/01078/DCH              | 17/06/2020        | o'connell             | DOUBLE AND SINGLE STOREY SIDE/REAR EXTENSION   | 15 MARK STREET, RIVERSIDE, CARDIFF, CF11 6LL         | 173                           | False                          | Planning Permission be refused | 07/12/2020           |
| 20/02067/DCH              | 20/10/2020        | Whitcombe             | GABLE END EXTENSION WITH 2NO. PITCHED DORMERS TO FRONT AND REAR ELEVATIONS AND CONSTRUCTION OF A SINGLE STOREY DETACHED GARAGE | 82 SEVERN ROAD, PONTCANNA, CARDIFF, CF11 9EA         | 51                            | True                           | Planning Permission be refused | 10/12/2020           |
| 20/00916/DCH              | 19/05/2020        | Jones                 | SINGLE STOREY REAR EXTENSION AND ALTERATIONS TO BOUNDARY WALLS   | 59 SEVERN GROVE, PONTCANNA, CARDIFF, CF11 9EP        | 202                           | False                          | Permission be granted          | 07/12/2020           |
| 20/02005/DCH              | 08/10/2020        | Roberts               | A SIDE RETURN EXTENSION TO THE REAR  | 7 PITMAN STREET, PONTCANNA, CARDIFF, CF11 9DJ        | 67                            | False                          | Permission be granted          | 14/12/2020           |
| 20/02124/DCH              | 20/10/2020        | Evans                 | DEMOLITION OF EXISTING REAR CONSERVATORY AND ERECTION OF SINGLE STOREY EXTENSION   | 36 MORTIMER ROAD, PONTCANNA, CARDIFF, CF11 9LA       | 45                            | True                           | Permission be granted          | 04/12/2020           |
| 20/02110/DCH              | 19/10/2020        | Price                 | CONSTRUCTION OF SINGLE STOREY EXTENSION TO KITCHEN   | 26 HAMILTON STREET, PONTCANNA, CARDIFF, CF11 9BP     | 57                            | False                          | Permission be granted          | 15/12/2020           |
| 20/01965/DCH              | 09/10/2020        | Souto                 | CONSTRUCTION OF SINGLE STOREY REAR EXTENSION   | FLAT 3, 59 CONWAY ROAD, PONTCANNA, CARDIFF, CF11 9NU | 63                            | False                          | Permission be granted          | 11/12/2020           |



|              |            |        |  |  |    |       |                       |            |
|--------------|------------|--------|--|--|----|-------|-----------------------|------------|
| 20/01989/DCH | 12/10/2020 | PUGH   | RE-ROOFING OF EXISTING SIDE CONSERVATORY EXTENSION ROOF, INSTALLATION OF ENLARGED WINDOW OPENING TO REAR ELEVATION AND DEMOLITION OF EXTERNAL WC AND STORE | 11 DYFRIG STREET, PONTCANNA, CARDIFF, CF11 9LR | 91 | False | Permission be granted | 11/01/2021 |
| 20/02243/DCH | 16/11/2020 | Sealey | CONSERVATORY TO REAR ELEVATION   | 22 SEVERN GROVE, PONTCANNA, CARDIFF, CF11 9EN  | 56 | True  | Permission be granted | 11/01/2021 |
| 20/02617/DCH | 17/12/2020 | Jones  | GROUND FLOOR REAR EXTENSION AND NEW PITCHED ROOF OVER EXISTING REAR FLAT ROOF  | 18 RAWDEN PLACE, RIVERSIDE, CARDIFF, CF11 6LF  | 28 | True  | Permission be granted | 14/01/2021 |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                 | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                    | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|---|-------------------------------|--------------------------------|------------------------------------|----------------------|
| 20/01411/MJR              | 27/07/2020        | CPD Cathedral Ltd     | VARIATION OF CONDITION 2 OF 18/02601/MJR TO SUBSITUTE PLANS TO ALLOW FOR MINOR AMENDMENTS  | 32 CATHEDRAL ROAD, PONTCANNA, CARDIFF, CF11 9UQ | 154                           | False                          | Permission be granted              | 28/12/2020           |
| 20/01498/MJR              | 31/07/2020        | CPD Cathedral Ltd     | PARTIAL DISCHARGE OF CONDITIONS 8 (ARCHITECTURAL DETAILS), 9 (ACCESS IMPROVEMENT), 19 (CYCLE STORE), 23 (PRIVACY SCREENS), 24 (UNDERCROFT MATERIALS AND LIGHTING) AND 25 (BOUNDARY ENCLOSURES) OF 18/02601/MJR | 32 CATHEDRAL ROAD, PONTCANNA, CARDIFF, CF11 9UQ | 138                           | False                          | Partial Discharge of Condition (s) | 16/12/2020           |
| 20/02419/MJR              | 24/11/2020        | CPD Cathedral Ltd     | DISCHARGE OF CONDITION 7 (MATERIALS) OF 18/02601/MJR   | 32 CATHEDRAL ROAD, PONTCANNA, CARDIFF, CF11 9UQ | 22                            | True                           | Full Discharge of Condition        | 16/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                 | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                    | <u>Decision Date</u> |

|              |            |                             |   |   |    |      |                             |            |
|--------------|------------|-----------------------------|---|---|----|------|-----------------------------|------------|
| 20/02268/MNR | 03/11/2020 | Walrond                     | DISCHARGE OF CONDITIONS 7 (WINDOWS), 10 (CONTAMINATION), 11 (IMPORTED TOPSOIL) 12 (IMPORTED AGGREGATE) AND 13 (SITE WON MATERIAL) OF 19/02997/MNR | COACH HOUSE REAR OF 95 PONTCANNA STREET, PONTCANNA, CARDIFF, CF11 9HS | 41 | True | Full Discharge of Condition | 14/12/2020 |
| 20/02499/MNR | 09/12/2020 | Cathy Colston Property Ltd  | DISCHARGE OF CONDITION 5 (WINDOW DETAILS) OF 19/02568/MNR   | 15 PONTCANNA STREET, PONTCANNA, CARDIFF, CF11 9HQ                     | 8  | True | Full Discharge of Condition | 17/12/2020 |
| 20/02396/MNR | 23/11/2020 | Hobday                      | CONSTRUCT NEW INTERNAL STAIRCASE IN SHOP TO ACCESS UPPER FLOOR FLAT WITH NEW PEDESTRIAN ACCESS TO HIGHWAY AND RENEW SHOPFRONT                     | 144 COWBRIDGE ROAD EAST, RIVERSIDE, CARDIFF, CF11 9ND                 | 23 | True | Permission be granted       | 16/12/2020 |
| 20/02505/MNR | 09/12/2020 | Cathy Colston Property Ltd. | AMENDMENT TO ALLOW FOR DEMOLITION OF UNSAFE REAR CHIMNEY STACK TO ANNEXE - PREVIOUSLY APPROVED UNDER 19/02568/MNR                                 | 15 PONTCANNA STREET, PONTCANNA, CARDIFF, CF11 9HQ                     | 6  | True | Permission be granted       | 15/12/2020 |

## RUMN

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>                           | <u>Location</u>                       | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|---------------------------------------|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02042/DCH              | 09/10/2020        | Turner                | GABLE END ROOF EXTENSION WITH REAR DORMER | 38 NEW ROAD, RUMNEY, CARDIFF, CF3 3AA | 68                            | False                          | Permission be granted | 16/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>                           | <u>Location</u>                       | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |

|              |            |                                       |  |  |     |       |                       |            |
|--------------|------------|---------------------------------------|--|--|-----|-------|-----------------------|------------|
| 20/01351/MJR | 15/07/2020 | Wates Residential and Cardiff Council | ALTERATIONS TO EXTERNAL FACADE AND INTERNAL LAYOUT TO INCORPORATE INTERNAL CYCLE STORAGE, RELOCATION OF BIN STORE, AMENDMENTS TO FOURTH STOREY TERRACE AND DIMENSIONS OF BUILDING - PREVIOUSLY APPROVED UNDER 18/02519/MJR | FORMER EASTERN HIGH SCHOOL, NEWPORT ROAD, RUMNEY, CARDIFF, | 139 | False | Permission be granted | 01/12/2020 |
|--------------|------------|---------------------------------------|--|--|-----|-------|-----------------------|------------|

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>                 | <u>Proposal</u>  | <u>Location</u>   | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|---------------------------------------|--|---|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02368/MNR              | 18/11/2020        | Orbis Education & Care                | CHANGE OF USE FROM DWELLINGHOUSE (CLASS C3) TO RESIDENTIAL CARE HOME (CLASS C2) FOR UP TO 2 CHILDREN | TY FRY COTTAGE, 87 TY-FRY ROAD, RUMNEY, CARDIFF, CF3 3NS    | 58                            | False                          | Permission be granted | 15/01/2021           |
| A/20/00083/MNR            | 13/11/2020        | Cardiff Council and Wates Residential | HOARDING   | EASTERN HIGH SCHOOL, NEWPORT ROAD, RUMNEY, CARDIFF, CF3 3XG | 34                            | True                           | Permission be granted | 17/12/2020           |

#### SPLO

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>  | <u>Location</u>                                    | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>       | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|--|--|-------------------------------|--------------------------------|-----------------------|----------------------|
| 20/02399/MJR              | 23/11/2020        | ASD Build             | ALTERATIONS TO THE DESIGN OF THE REAR CURTAIN WALL, REPLACE HIGH LEVEL CLADDING WITH RENDER AND ALTER SOME WINDOW POSITIONS - PREVIOUSLY APPROVED UNDER 06/02474/E | BLOCK F, MOORHEAD CLOSE, SPLOTT, CARDIFF, CF24 5FD | 21                            | True                           | Permission be granted | 14/12/2020           |

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>    | <u>Proposal</u>   | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|--------------------------|---|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02051/MNR              | 27/10/2020        | Zurich Assurance Limited | RELOCATION OF EXISTING UNIT 40 BOUNDARY GATE AND INSTALLATION OF NEW DOUBLE ACCESS GATE AND ROLLER SHUTTER TO UNIT 41 | UNIT 40 TO 41, PORTMANMOOR ROAD INDUSTRIAL ESTATE, PORTMANMOOR ROAD, SPLOTT, CARDIFF, CF24 5HB | 50                            | True                           | Permission be granted          | 16/12/2020           |
| 20/01789/MNR              | 14/09/2020        | O'Neil                   | CONSTRUCTION OF 8NO. INDUSTRIAL START UP UNITS AND ASSOCIATED EXTERNAL WORKS  | FORMER PENGAM MOORS SOCIAL CLUB, SEAWALL ROAD, TREMORFA, CARDIFF, CF24 5TH                     | 84                            | False                          | Permission be granted          | 07/12/2020           |
| 20/01714/MNR              | 24/09/2020        | AKBAR                    | 2 STOREY REAR EXTENSION, DORMER LOFT CONVERSION AND CONVERSION TO 3 FLATS   | 29 DALMUIR ROAD, TREMORFA, CARDIFF, CF24 2PW   | 81                            | False                          | Planning Permission be refused | 14/12/2020           |
| 20/02043/MNR              | 13/10/2020        | G CAPITAL                | NEW ACCESS ROADWAY TO UNITS 70-71   | UNIT 70-71, PORTMANMOOR ROAD INDUSTRIAL ESTATE, PORTMANMOOR ROAD, SPLOTT, CARDIFF, CF24 5HB    | 64                            | False                          | Planning Permission be refused | 16/12/2020           |
| 20/02347/MNR              | 13/11/2020        | Seraph Developments Ltd  | ALTERATIONS TO PROPOSED PLANS REGARDING THE EXISTING WALLS ON UPPER STOREY - PREVIOUSLY APPROVED UNDER 19/02261/MNR   | 1A CAMERON STREET, SPLOTT, CARDIFF, CF24 2NX   | 21                            | True                           | Permission be granted          | 04/12/2020           |

#### TROW

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u>   | <u>Location</u>                                      | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|---|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02000/DCH              | 27/10/2020        | DeCROO                | TWO STOREY SIDE EXTENSION AND SINGLE STOREY LINK TO GARAGE CONVERSION | 19 FFORDD DANIEL LEWIS, ST MELLONS, CARDIFF, CF3 0RQ | 49                            | True                           | Planning Permission be refused | 15/12/2020           |

|              |            |               |                           |   |    |       |                       |            |
|--------------|------------|---------------|---------------------------|---|----|-------|-----------------------|------------|
| 20/01960/DCH | 19/10/2020 | Dingle Hanlon | TWO STOREY SIDE EXTENSION | 19 CAERLEON CLOSE, ST MELLONS, CARDIFF, CF3 0HH | 60 | False | Permission be granted | 18/12/2020 |
|--------------|------------|---------------|---------------------------|---|----|-------|-----------------------|------------|

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|-----------------|-----------------|-------------------------------|--------------------------------|-----------------|----------------------|
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|--------------|------------|----------|--|---|----|-------|-----------------------|------------|
| 20/02358/MNR | 12/11/2020 | Williams | DEMOLITION OF EXISTING SINGLE STORY EXTENSION AND THE CONSTRUCTION OF A TWO BEDROOM ATTACHED DWELLING, TWO PARKING BAYS TO BE PROVIDED TO REAR | PART OF LAND AT 73 BRYNBALA WAY, TROWBRIDGE, CARDIFF, CF3 1SZ | 67 | False | Permission be granted | 18/01/2021 |
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#### WHI

| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u> | <u>Proposal</u> | <u>Location</u> | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u> | <u>Decision Date</u> |
|---------------------------|-------------------|-----------------------|-----------------|-----------------|-------------------------------|--------------------------------|-----------------|----------------------|
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|--------------|------------|--------|------------------------------|---|----|------|-----------------------|------------|
| 20/02474/DCH | 30/11/2020 | SANTER | SINGLE STOREY REAR EXTENSION | 190 MERTHYR ROAD, WHITCHURCH, CARDIFF, CF14 1DL | 43 | True | Permission be granted | 12/01/2021 |
|--------------|------------|--------|------------------------------|---|----|------|-----------------------|------------|

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|--------------|------------|--------|--|--|----|------|-----------------------|------------|
| 20/02493/DCH | 02/12/2020 | Smeeth | CONVERSION OF EXISTING OUTBUILDING/GARAGE INTO GARDEN ROOM AND STORE | 17 CAMBOURNE AVENUE, WHITCHURCH, CARDIFF, CF14 2AQ | 43 | True | Permission be granted | 14/01/2021 |
|--------------|------------|--------|--|--|----|------|-----------------------|------------|

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|--------------|------------|-----|---|---|----|-------|-----------------------|------------|
| 20/02197/DCH | 12/11/2020 | LAW | REMOVAL OF GARAGE AND CONSTRUCTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS, ALTERATION TO FRONT PORCH, FIRST FLOOR REAR EXTENSION AND HIP TO GABLE EXTENSION WITH REAR DORMER | 6 ST MARGARET'S ROAD, WHITCHURCH, CARDIFF, CF14 7AA | 61 | False | Permission be granted | 12/01/2021 |
|--------------|------------|-----|---|---|----|-------|-----------------------|------------|

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|--------------|------------|---------|---|---|----|-------|-----------------------|------------|
| 20/01973/DCH | 07/10/2020 | statton | HIP TO GABLE AND REAR DORMER ROOF EXTENSION | 76 HEOL Y GORS, WHITCHURCH, CARDIFF, CF14 1HH | 96 | False | Permission be granted | 11/01/2021 |
|--------------|------------|---------|---|---|----|-------|-----------------------|------------|

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|--------------|------------|------------------|--|--|-----|-------|--------------------------|------------|
| 20/02145/DCH | 29/10/2020 | Evans            | SINGLE STOREY SIDE EXTENSION   | 8 KELSTON PLACE,<br>WHITCHURCH, CARDIFF,<br>CF14 2AP       | 50  | True  | Permission<br>be granted | 18/12/2020 |
| 20/01510/DCH | 17/08/2020 | Witchell         | SINGLE STOREY REAR EXTENSION   | 38 CHURCH ROAD,<br>WHITCHURCH, CARDIFF,<br>CF14 2EA        | 122 | False | Permission<br>be granted | 17/12/2020 |
| 20/02155/DCH | 23/10/2020 | Allen            | DEMOLITION OF EXISTING REAR<br>LEAN-TO SUN ROOM AND<br>CONSTRUCTION OF SINGLE<br>STOREY EXTENSION AND HIP TO<br>GABLE ROOF EXTENSION       | 18 HEOL STRADLING,<br>WHITCHURCH, CARDIFF,<br>CF14 1PU     | 55  | True  | Permission<br>be granted | 17/12/2020 |
| 20/02536/DCH | 08/12/2020 | Powell           | SINGLE STOREY REAR EXTENSION   | 17 GRANT'S CLOSE,<br>TONGWYNLAIS, CARDIFF,<br>CF15 7NG     | 41  | True  | Permission<br>be granted | 18/01/2021 |
| 20/00157/DCH | 05/02/2020 | Mr Charles Coray | PROPOSED GRANNY ANNEX<br>ENLARGEMENT, OF EXISTING<br>COMPOUND AND ACCESS ROAD TO<br>BE CREATED AND CAR PARKING<br>FOR 80 & 82 MERTHYR ROAD | 84 MERTHYR ROAD,<br>WHITCHURCH, CARDIFF,<br>CF14 1DJ       | 321 | False | Permission<br>be granted | 22/12/2020 |
| 20/02245/DCH | 02/11/2020 | Thomas           | DEMOLITION OF EXISTING REAR<br>EXTENSION AND CONSTRUCTION<br>OF SINGLE STOREY REAR AND SIDE<br>EXTENSION                                   | 14 ST MARGARET'S<br>ROAD, WHITCHURCH,<br>CARDIFF, CF14 7AA | 51  | True  | Permission<br>be granted | 23/12/2020 |
| 20/01986/DCH | 08/10/2020 | Brown            | SINGLE STOREY FRONT AND REAR<br>EXTENSIONS, HIP-TO-GABLE AND<br>DORMER ROOF EXTENSIONS,<br>RAISING THE RIDGE, AND<br>ALTERATIONS.          | 10 WESTFIELD ROAD,<br>WHITCHURCH, CARDIFF,<br>CF14 1QQ     | 60  | False | Permission<br>be granted | 07/12/2020 |
| 20/01892/DCH | 25/09/2020 | Goodwin          | DEMOLITION OF EXISTING REAR<br>SINGLE STOREY EXTENSION AND<br>CONSTRUCTION OF A REAR GABLE<br>END EXTENSION                                | 16 YORATH ROAD,<br>WHITCHURCH, CARDIFF,<br>CF14 1QB        | 70  | False | Permission<br>be granted | 04/12/2020 |
| 20/00635/DCH | 04/12/2020 | Thomas           | ALTERATIONS TO ROOF<br>COMPRISING OF ROOFLIGHTS TO<br>FRONT ELEVATION, DORMER TO<br>REAR ELEVATION AND HIP TO<br>GABLE ROOF EXTENSION      | 19 ATHELSTAN ROAD,<br>WHITCHURCH, CARDIFF,<br>CF14 2EN     | 39  | True  | Permission<br>be granted | 12/01/2021 |

|                           |                   |                                   |  |  |                               |                                |                                |                      |
|---------------------------|-------------------|-----------------------------------|--|--|-------------------------------|--------------------------------|--------------------------------|----------------------|
| 20/02539/DCH              | 08/12/2020        | Lewis                             | RELOCATION OF ENTRANCE DOOR TO THE SIDE OF PORCH - PREVIOUSLY APPROVED UNDER 19/01968/DCH  | 14 CAEGWYN ROAD, WHITCHURCH, CARDIFF, CF14 1QL   | 13                            | True                           | Permission be granted          | 21/12/2020           |
| 20/02495/DCH              | 02/12/2020        | Willis                            | PROPOSED GABLE ROOF IMPROVEMENT TO GROUND FLOOR REAR EXTENSION   | 23 KINGSLAND ROAD, WHITCHURCH, CARDIFF, CF14 2EJ                                       | 16                            | True                           | Permission be granted          | 18/12/2020           |
| <u>Application Number</u> | <u>Registered</u> | <u>Applicant Name</u>             | <u>Proposal</u>  | <u>Location</u>  | <u>Days taken to decision</u> | <u>8 Week target Achieved?</u> | <u>Decision</u>                | <u>Decision Date</u> |
| 20/01474/MNR              | 04/08/2020        | Gropetis                          | ERECTION OF NEW DWELLING   | REAR OF 134-136 THE PHILOG, WHITCHURCH   | 125                           | False                          | Planning Permission be refused | 07/12/2020           |
| 20/00593/MNR              | 10/03/2020        | HOLMES                            | RESERVED MATTERS APPLICATION IN RESPECT OF APPEARANCE, LANDSCAPING AND LAYOUT PURSUANT TO OUTLINE PLANNING APPROVAL 17/00620/MNR   | LAND AT IRON BRIDGE ROAD, TONGWYNLAIS  | 288                           | False                          | Permission be granted          | 23/12/2020           |
| 19/02769/MNR              | 16/10/2019        | Casemorgan Developments Ltd       | DISCHARGE OF CONDITIONS 13 (LANDSCAPE), 16 (SITE ENCLOSURE) AND 18 (CONSTRUCTION MANAGEMENT PLAN) OF 18/01902/MNR  | GREENMEADOWS, 102 PENDWYALLT ROAD, WHITCHURCH, CARDIFF, CF14 7EH                       | 426                           | False                          | Full Discharge of Condition    | 15/12/2020           |
| PRAP/20/00050/MNR         | 05/11/2020        | Cornerstone and Telefonica UK Ltd | INSTALLATION OF A 20M SLIM-LINE COLUMN SUPPORTING 6 NO. ANTENNAS, 2 NO. TRANSMISSION DISHES, 2 NO. EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO INCLUDING A GPS MODULE AND 3 NO. REMOTE RADIO HEADS (RRHS) | LAND AT MERTHYR ROAD, WHITCHURCH   | 40                            | True                           | Permission Required            | 15/12/2020           |
| PRNO/20/00011/MNR         | 08/12/2020        | Williams                          | DEMOLITION OF A SINGLE STOREY TIMBER FRAMED SECTIONAL BUILDING   | BUILDING 6, WHITCHURCH HIGH UPPER SCHOOL, PENLLINE ROAD, WHITCHURCH, CARDIFF, CF14 2XJ | 8                             | True                           | No Prior Approval required     | 16/12/2020           |

